

LETTERS
TO THE
EARL OF FINGALL,

&c. &c. &c.

FROM

SIR JOHN COX, HIPPISELEY, BART. M. P.

PART I.

LETTERS
TO THE
EARL OF FINGALL,
 &c. &c. &c.

ON THE SUBJECT OF
“ The Catholic Claims,”

FROM
SIR JOHN COX HIPPISEY, BART. M.P.

WITH
SUPPLEMENTARY DOCUMENTS.

PART I.

“ If the Prelates should abide by what they have solemnly resolved upon,
“ they will have nothing more to do than what is perfectly within their
“ sphere, and what is, comparatively, easy to be done ; namely, to en-
“ lighten their people, and show them how grossly they have been im-
“ posed upon, both as to facts and reasoning.”

BISHOP MILNER, Apost. Vicar—“ *Letter to a Parish Priest,*”
August 1808—in reference to the Resolutions of the Irish Ro-
man Catholic Prelates in 1799.

LONDON:
PRINTED FOR J. MURRAY, ALBEMARLE STREET.
1813.

*** The Petition of the CLERGY OF DEVON, as referred to in the Notes—Page 53—and printed also in the APPENDIX, was copied from a newspaper. It is now understood that *two* Petitions, in the name of the Clergy of *Devon*, were left, at *the same places*, for signatures, but *that* which was generally signed, and probably has been presented, was *not* that which is referred to in the following pages.—It being too late to cancel the pages, where noticed, this explanation is due to the Reader.

ADVERTISEMENT.

THE following Letters were originally transmitted to the Editor of the British Press, and Globe, as it was desirable to procure for them a more extensive circulation, than is usually obtained, in the form a Pamphlet. Disappointed in that object, the Writer has had recourse to the present mode of publication. The Letters are now published in their original state, and with their original dates. This appears to be the most suitable answer to certain paragraphs in the daily prints, which have anticipated the publication, and assigned a course of conduct to the Writer, which it was never in his contemplation to adopt.

The terms of approbation in which the Writer's opinions and efforts have heretofore been recognised in the works of authors, occasionally cited in these Letters, and whose recent publications are examined with some freedom, will probably not escape the animadversion of critics, who have been lately dealing out their contumely with no sparing hand. To have suppressed such testimony—overcharged and unmerited, as it may appear—would have been the relinquishment of a material advantage, in a public, as well as a personal view. For it is certainly important, that the

Public should not be unapprised, that the declamatory denunciations of all measures of regulation, which have been so prevalent, from a period, immediately following the discussion, in Parliament, of what is termed the "Veto," are very little consonant to the opinions expressed anterior to that period, both respecting the measures themselves, and the individual who is now accused of having originated them. It is not without its advantage also, that those who may read these pages, should learn from the very authors, who stand in the foremost ranks of the controversy, that he, who has undertaken to repel their arguments, is not wholly disqualified, by a total ignorance of the subject, out of which the controversy arises.

It would have been desirable to the Writer, that so early a day had not been fixed for the Motion of Mr. Grattan. For it was intended to have followed the publication of the present Letters, with a *third*, accompanied with many important documents, in support of those regulations, which were reserved to be treated of distinctly: and that the whole should have appeared previous to the debate on the *Petition of the Roman Catholics of Ireland*, now fixed for the 25th inst. More time is necessary, for the selection and arrangement of those documents, than can be commanded in this circumscribed interval.

It will be said, that many of the documents and papers, annexed to the present Letters, have already appeared in Sir J. H.'s publications on this subject, and that many of the

arguments are merely repetitions. But it appeared ~~that~~, that the most efficacious mode of refuting allegations, renewed as often as they have been disproved, was the adoption of the same reasonings which had already been found adequate to that purpose.

Many errors must be expected to occur where the Press cannot be resorted to with facility. The pressure of time, and the great distance from the metropolis, will not admit, at present, of their correction. The sense of the passages, it is hoped, will not be materially affected, and that the indulgence of the Reader, under all the circumstances, will be kindly extended to the publication.

*Ston-Easton House, Somerset,
15th February, 1813.*

ERRATA, &c.

- Page 6, line 12, *for subject, read, points.*
 12, — 24, *for year, read, years.*
 15, — 5, *for Prelates and Clergy, read, R. C. Prelates and Clergy of Ireland.*
 last line, *dele were.*
 29, line 6, *for are, read, were.*
 31, three lines from bottom, *for have, read, had.*
 32, line 3, *after Prelates, add, including himself.*
 6, *after writers, add, as we have seen.*
 18, *for and, read, in.*
 34, — 9, *for the, read, that.*
 49, — 15, *for quotation, read, passage.*
 63, — 17, *for abolit, read, abolet.*
 18, *for posteritate, read, posteritati.*
 65, — 3, *for Deducaao, read Deducção*
 9, *for souverane, read, souveraine.*
 26, *for plaise votre, read, plaise à votre.*
 29, *for obeyions, read, obeyrons.*
 79, — 8, *before clergyman, insert, Roman Catholic.*

The Punctuation will be found frequently deficient.

TO THE

EARL OF FINGALL,

&c. &c. &c.

LETTER I.

Stone Easton House,
January 8, 1813.

MY DEAR LORD,

I HAVE, for some time past, deemed it expedient to enter into a public exposition of facts, to elucidate my opinions on the question of the *Catholic Claims*. To whom therefore can I address myself with so much propriety, as to Your Lordship? The moderation of Your Lordship's character, and the sober habits of thinking incident to that temper of mind, would, of themselves, have suggested the selection; but the deserved influence you must naturally be supposed to have ac-

quired over the body, which has, on so many occasions, made Your Lordship the principal organ of their resolves, must, in the public estimation at least, have justly rendered you the arbiter of their feelings.

Through no other channel, therefore, could I, apparently with equal efficacy, convey my protest against the unfair constructions of my opinions and conduct relative to this great question of civil policy, with which the publications of several writers on your side of the water have recently abounded. The credit which those authors, most unquestionably, have obtained with the Prelacy of your communion, must have given currency, if not authority, to their animadversions.

The Address of the Roman Catholic Prelates assembled in Dublin on the 18th of November last, and now published "by authority," has constructively sanctioned the opinions maintained by those writers, as well as the declarations, adverse to all regulation, so peremptorily avowed in the recent proceedings of many general and provincial meetings of the Roman Catholics in Ireland. Whether those specific measures of regulation, which have been considered by the most venerable authorities of

your Church so unexceptionable, are of the baneful character now attributed to them, and "destructive of the integrity of the Roman Catholic religion," is a question which will be best answered by a reference to the facts which have, for many years past, been the subjects of my communication with Your Lordship, and with some of the most distinguished of your Prelacy.

Of these publications, however, those of Mr. *Plowden* and Mr. *Clinch*, both professional men, claim a priority of notice, from the circumstances which appear to give them an air of superior credit and authority. The latter gentleman has received the thanks of your Prelates in their last synodical assembly in reference to his "*Letters on Church Government*;" and a very cursory view of Mr. Plowden's late publications must satisfy his readers that he has derived no small share of his information from a confidential intercourse with the heads of Your Lordship's Church in Ireland. The *Historical Letter* of Mr. Plowden, addressed to Dr. O'Connor, or *Columbanus*, pointedly carries with it this stamp of authority. To that, and the third volume of his continuation of "*The History of Ireland*," published in 1811, I

wish particularly to invite Your Lordship's attention.

The class of "*Pastoral Instructions*" from the Prelates of the Roman Catholic communion, at this period especially, is also entitled to particular notice. Bishop Milner has himself assigned a valid motive, in the advertisement prefixed to his "*Instructions, addressed to the Catholics of the Midland Counties, on the State and Dangers of their Religion, 1811.*"—"There is good reason," says he, "for publishing these Instructions, because the *Public, and especially the Legislature*, are interested in a great part of their contents." These writers seem to be agitated with groundless and visionary alarms. Mr. Plowden gives himself credit for the developement "*of a wide and dangerous conspiracy,*" which he conceives to be levelled against the civil and religious freedom of the subject. Mr. Clinch, in more measured language, expresses no faint dread of arrangements, of which the *negative of the Crown* upon the appointments to the Prelacy of his Church, forms a part. As both these gentlemen, as well as Bishop Milner, have done me the honour of frequent reference to the opinions which I have published, and the measures which I have recommended, I have addressed

to Your Lordship what I conceive to be a reasonable exposition of the principles which have influenced my public conduct, or modified my private sentiments, in the course of this important controversy. I have adopted the present mode of address, because I am well aware, from the extensive circulation of the *British Press* and *Globe** throughout the United Kingdom, and from the details of the most important transactions of the Catholic body in Ireland, which I observe to be early noticed in these papers at this interesting crisis, that they present to me one of the readiest and best avenues by which my statements can find their way to the Public, and particularly that part of the Public *who are in communion with Your Lordship*. If I am compelled to speak concerning myself, it will, I trust, be candidly ascribed to the natural solicitude to obviate misconstruction, and to repel insinuation, which it is by no means unbecoming to feel in a cause of which I have always been the zealous but temperate advocate.

But my Address has motives that extend beyond myself. Your Lordship, and those of your religious communion, have a much deeper interest in the facts which I shall think it my

* Vide the Advertisement prefixed to this Letter.

duty to state; and I shall state them with the greater confidence, as I can appeal to Your Lordship, in a great measure, for their authority. With Bishop Milner I must also contend for "my own steady and plain dealing," though Mr. Plowden has been pleased to withdraw his confidence in me from my "*having been plied and beset by others.*" With Your Lordship I have been in confidential intercourse for many years; and I am persuaded you will do me the justice to attest the strict conformity of my opinions on the subject at issue, from the first moment of that intercourse to the present hour. My parliamentary conduct will speak for itself; and I could wish Mr. Plowden to answer one plain question—Whether every measure of regulation and restriction, which has recently excited so much alarm in his mind, has not been distinctly avowed by me in "*The Substance of additional Observations,*" originally printed in 1805, and also in 1806—a tract of which he had been heretofore so warm a panegyrist. Mr. Plowden, in the third volume of his "*History of Ireland,*" printed in 1811, p. 665, is pleased to pronounce of me, that "*of all His Majesty's subjects, this gentleman has, perhaps, the most knowledge of the modern style and spirit of the Court of Rome, of the relations kept up between the Roman Pontiff and the Catholic and other inde-*

"pendent states, and of the nature, forms, and prac-
 "tice, by which the See of Rome exercises, exter-
 "nally, supreme jurisdiction over its spiritual sub-
 "jects."—Again: "*What he (Sir J. H.) said and*
 "*wrote upon this subject in the year 1805, could*
 "*not have been tainted with that polemical leaven*
 "*which only raised the question into controversy in*
 "*1808.*" Mr. Plowden then proceeds to give
 extracts, to the extent of five octavo pages, from
 this tract,—truly stating my agreement in opi-
 nion with Mr. Burke, in opposition to the *nomina-*
tion of the Crown,—but avowing, at the same time,
 my suggestions to Government, antecedent to
 the Union, to have been founded on the soundest
 "authority, that, in future, all lists of persons re-
 "commended to fill vacant *titular sees*, or *deaneries*,
 "previous to their transmission to *Rome*, should
 "be communicated to His Majesty's Minis-
 "ters." Mr. Plowden then notices my reference
 "to the practice existing in the *United Pro-*
 "*vinces*, when any exception was taken to the
 "person nominated." He further records my de-
 claration, at the same period (1805), in reference
 to the motion of Mr. Fox, "that were we to go
 "into a Committee, I should think the occasion
 "favourable for adducing *many other heads of re-*
 "*gulation*, which I conceived to be so fully con-
 "nected with the *concession of the objects of the*
 "*petition; so necessary, in my own opinion at least,*

"that I should not think myself justified in voting ultimately in favour of that concession, if unaccompanied with provisions of a similar tendency."

With these declarations before him, authenticated by myself, having put the tract in his hand nearly as soon as the second edition was printed, it is not till six years afterwards that he discovers all the calamities and diseases menacing destruction to his Church, and rushing forth, in baneful succession, from this ill-omened box of *Pandora*, which he had so incautiously accepted, and, at length, so fatally disclosed! Nevertheless, not twelve months since, he condescends to notice the author, "as a warm and indefatigable advocate of the Catholic Claims," and pronounces the tract itself to be "an instructing and interesting pamphlet." He has omitted to state that "this instructive pamphlet" insisted also not a little on the adoption of the salutary regulations of the *supreme Council of Provence*, which in the year 1482 decreed that "*No letters coming from foreign jurisdictions, though only in spirituals, should be executed without a ratification of the Court*"—restrictions, as was observed in the pamphlet, "*in strict conformity to those of the old Gallican Church, ever jealous of the encroachments of Rome.*"

It seems, however, to suit Mr. Plowden's purpose, to represent the author as having been subsequently "*beset and plied*" by Dr. O'Connor and Mr. Butler, "who," Mr. Plowden asserts, "have obtained a short-lived triumph over him for their own designs." As Mr. Plowden has confidently hazarded this assertion, I feel myself called upon to say, that the extent of my communications with Dr. O'Connor (the author of *Columbanus*) has amounted to two or three accidental conversations, a short visit at my house, and the receipt of two letters from him, one of which contained an apology for a hasty misrepresentation. I admit that my intercourse with Mr. Butler has not been so limited, although my acquaintance with him commenced *long after* the publication of the tract of 1805.—I have great pride and pleasure in avowing a friendship for that gentleman: it is unnecessary to speak of his acknowledged learning, his amiable character, or his accomplishments: no man, I believe, is more conscientiously attached to his religion; and, although, I am persuaded he is not less disposed than myself to "*give to Cæsar the things which are Cæsar's,*" I never heard a word fall from him, in *support or condemnation* of the negative of the Crown in the appointment of the Pre-

lates of Your Lordship's communion. That he was a subscriber, together with all the English Apostolic Vicars, Bishop *Milner* alone excepted, to the *fifth resolution* of the English Catholics in 1810, he is not disposed to deny; and it is not for me to put an interpretation upon it beyond the letter of the resolution itself.

Mr. Clinch, from the same period, until the eve of the *Synod* of the Irish Catholic Bishops, held in Dublin on the 14th of September 1808, which was also the æra of the publication of his "*Inquiry*,"—an interval of *nearly three years*,—with the tract of 1805 in his possession, pregnant with its "*Veto*," its "*inquisitorial Star-chamber*," and all its menacing train of constructive hostility to the *Pontifical Throne*;—apparently remained undisturbed, and not unfrequently favoured me with his correspondence. In naming this gentleman I feel it incumbent upon me to express my obligations for the open manner in which he has spoken of the tract, and for his liberal testimony to the integrity of the author's views, which he has so very recently and pointedly repeated. Mr. Clinch's intimate knowledge of the subject, sanctioned also by the elevated and learned Prelate, whose organ he avowed himself to be in his correspondence,

might well be accepted as no ordinary guarantee of the soundness of the principles and opinions which it generally maintained.

In 1807 Mr. Clinch, in this approving spirit, did me the honour to address me, at the instance of his Archbishop. "I am directed by Archbishop Troy," says Mr. Clinch, "to inform you particularly, that your argument on the Catholic Question has been very generally read by intelligent and prudent persons; and that the wish of all those who have read it, is, that you may be prevailed upon to publish it, or to allow it to be published, in Ireland." I will not, on this occasion, further quote the letter of Mr. Clinch, as I considered its nature and object such as not to preclude me from resorting to its testimony on a recent occasion; and in that view, a copy of it was introduced in the notes to the substance of what I stated in Parliament, in *Your Lordship's presence*, as a delegate from your body, on the last motion of Mr. Grattan. Your Lordship can attest that the sentiments of Mr. Clinch, expressed in that letter, corresponded with the avowals of some of the most distinguished members of your Prelacy.

Mr. Clinch, in his last publication of 1812, "*Letters on Church Government*," adverts to the

tract of 1805, with similar approving sentiments. "In this tract," he says, "more justice is rendered to the Catholic system, and greater generosity displayed, than ever had been attempted by a Protestant:—the *Catholic doctrines of spiritual supremacy and episcopal mission, the rights of conscience, the purity and independence of Catholic discipline*, are stated with such integrity, and vindicated with such truth, are handled *with such religious tenderness*; nay, the expediency of cultivating a *political intercourse with Rome* is so frankly avowed, &c. &c. that I expressed my grateful feelings; and the acknowledgments I then made, I now confirm."

With a gentleman professing such sentiments, it is most painful to differ in opinion; yet I cannot conceal my surprise, when, adverting to the tract of 1805, in which the principle of restriction, as countenanced by the authority of other states, both Catholic and Protestant, is so pointedly upheld in reference to a regulated control upon ecclesiastical appointments, and the intromission of Papal rescripts, that Mr. Clinch's opinions expressed in the year 1807 and 1808, should seem to be so much at variance with each other, and that the republication of such a tract should be anxiously solicited, and the influence of its principles so much deprecated, within so short an interval of time by the same individual, and under the same circumstances: nor is my

surprise diminished by the flattering expressions which I have just quoted, as proceeding from the same gentleman within the course of the last year.

Mr. Clinch, in his last publication, speaks also of what he terms, but erroneously, "*the Draft of a Bill*;" in which he says, the "*Veto*" was proposed to be enacted under the sanction of a *præmunire*, and the *Veto* itself was "*unrestricted*." As to the penalty of *præmunire*, I am very ready to admit, and did admit in a subsequent publication, that it was a penalty hastily adopted, and too high to be exacted for the offence to which it was applied; and in this view, indeed, a blank line, preceded by the disjunctive *or*, followed the word *præmunire*, in the "*Sketch of proposed Regulations*," which Mr. Clinch styles "*the Draft of a Bill*." The enactment of the penalty, however, Mr. Clinch must well know, is of Catholic origin; and its enforcement, in its extent, might not unfrequently and legally be resorted to in our Protestant Government, if it were disposed to regulate itself by Catholic precedent. As to the other objection, that of the *negative* of the Crown being "*unrestricted*," I would ask, was it not unrestricted in the proposal of the four metropolitan and six senior Bishops of Ireland, in

1799? And were it not to be unrestricted, I would ask, whether its object could not be wholly frustrated, whenever there existed a disposition to frustrate it? I need not remind Your Lordship of the repeated instances of approbation given to this "Sketch of Regulations" by some of the most accredited and exemplary Ecclesiastics of your communion. I would request Mr. Clinch to answer me, in which are the feelings and condition of your second order of Clergy most consulted and guarded,—in the Sketch of Regulations proposed by me,—or in the Proposal of your Prelates in 1799? I think I need not anticipate his reply. As this "*Sketch of Regulations*" has been so much commented upon by Mr. Plowden and Mr. C. Keogh, as well as by Mr. Clinch; and as the latter gentleman has introduced it at length, in one of his publications, from the *private* copy which was transmitted to the Catholic Committee, on their requisition to Archbishop Troy, I shall also annex a copy to this address to Your Lordship.

I have hitherto adverted to no circumstance but what falls within Your Lordship's knowledge. You have seen the repeated applications made to me by some of the most leading cha-

racters in communion with your church. On the publication of the second edition of the tract of 1805, sixty copies were sent to Archbishop Troy, at his request, for distribution among the Prelates and Clergy; to which were annexed three Letters of that learned and respectable Prelate, dated 12th and 15th June, and 24th August, 1805, expressly written for this purpose. Copies were also presented to many of those gentlemen who at different periods have been united in delegation with Your Lordship, when your several Petitions were presented to Parliament. I am thus minute in evincing the *notoriety*, and particularly in *Ireland*, of those measures of regulation so strongly urged in that tract; and Your Lordship well knows, that the negative interference of the Crown, now styled the "*Veto*," was even a favourite measure with some of the most considerable of your laymen, as well as ecclesiastics, in Dublin, even after the writer styling himself "*Sarsfield*," and Mr. Clinch, had opened their attack on the Resolutions of your Prelates of 1799, in consequence of their being revived in Parliament in 1808. In preparing a new edition of the tract, which had been so repeatedly demanded, I requested the observations or corrections of Archbishop Troy and Bishop Milner: those of the former were communicated

to me through Mr. Clinch, and Bishop Milner's are still in my possession. I considered this circumstance too important to remain unnoticed, while questions were raised on so great a measure of state policy, and, in that view, introduced the whole of *their corrections*, in the notes to the substance of what I stated in Parliament, on Mr. Grattan's motion in the last session. They scarcely corrected a dozen lines, and none affected the principle of the Regulations, on which I find they who decry all regulation, and myself, are at issue; if the controversy might not more correctly be stated to be, *between those persons, and the civil and ecclesiastical polity of every European state, Catholic or Protestant*. It is not within the compass of a newspaper that the official documents of regulation can be adduced; but they are of too much interest at this crisis to be withheld; and if I can venture to reckon upon the continuance of exertions, already languid and weary from the length and nature of this controversy, they shall be directed to bring that important and essential mass of evidence into a more accessible state, before the question is again agitated in Parliament. Much of that evidence has been obtained under some advantages, though not derived from either of the characters assigned to me by Mr. Plowden;

or the author of the "Statement of penal Laws," who has so much credit with the Catholic Board. Without admitting the "*secret mission of accredited diplomacy to the Sovereign Pontiff*," or the more humble office of "*Clerk to the Neapolitan Embassy*" (an office rarely, I should conceive, held by a British Member of Parliament), I am ready to avow myself, nevertheless, to have been the organ of transactions of considerable moment, during a long residence at Rome, some of which were considered of importance in the estimation of the Roman Catholic Prelacy of Ireland *. Thus

* *From the Roman Catholic Metropolitan Prelates of Ireland, assembled in Dublin, dated Dublin, Dec. 4th, 1800.*

SIR,

THE R. C. Prelates of Ireland are not unacquainted with the manifold instances of your good-will towards them and their brethren in other parts of the empire.—With a benevolence peculiar to yourself, you have espoused their cause in the worst of times, and omitted no opportunity of testifying the warm interest which you take in all their concerns. You have stood forth as the advocate of our brethren in Scotland, when all human prospects seemed closed on them; you were the medium of an intercourse of amity and correspondence between our beloved Sovereign and the supreme Pastor of our Church. Through your exertions, our national establishments, in the capital of the Christian world, are at the eve of being fully restored to their original destination. Such signal proofs of kindness, command our esteem, and call forth our warmest gratitude. Permit us,

much, I conceive, it becomes necessary for me to say, that those whose attention I am anxious to invite, may not be induced to attach a greater or less degree of credit to these pages, from viewing the portraits of Your Lordship's correspondent, so gratuitously, but so variously drawn by Mr. Plowden, and the author of the "Statement."

But to return to Mr. Plowden,—and I must beg particularly to refer Your Lordship to his animadversions in the "*Historical Letter to Columbanus*." I will not trouble Your Lordship with any notice of the verbal inaccuracies of expression which Mr. Plowden has chosen to put in my mouth, on the loose authority of some newspaper; but I will beg Your Lordship's indulgence in recapitulating,

therefore, to offer you, in the name of all the R. C. Bishops of Ireland, the tribute of our united acknowledgments. We have the honour to be, in perfect truth,

SIR,

Your most obedient and faithful Servants,

RICHARD O'REILLY, R. C. Metropolitan of Armagh.

THOMAS BRAY, R. C. Metropolitan of Cashell.

JOHN THOMAS TROY, R. C. Metropolitan of Dublin.

EDWARD DILLON, R. C. Metropolitan of Tuam.

Sir J. C. Hippisley, Bart. M. P.

[Letters to the same effect, were addressed to Sir J. H. by the R. C. Prelates of England and Scotland.]

from the short-hand writer's report, published within a few days of the debate, by *Ridgway*, what I avow, *in substance*, to have stated, on the motion of Mr. Canning; but Mr. Plowden must permit me also to supply the context of the two quotations, which are principally the subjects of his criticism, to a greater extent than may suit either his argument or views. He shall afterwards be gratified with a direct answer to the interrogations which he summons both "*Irishmen and Englishmen to put to me, and to demand the proof.*"

Extract from the "Substance of Sir J. C. HIPPISEY's Speech on the Motion of Mr. CANNING, on the 22d of June 1812."

"On every occasion in which he had taken a part in the discussion of the general question, Sir J. H. said, that although his endeavours had been chiefly directed to repel the influence of popular prejudices connected with it, *yet at no time had he been the advocate of an unqualified abrogation of the existing statutes which bear upon the subject, many of which were framed by our Catholic ancestors.* He had held that the abrogation should be accompanied with due regulations, which the Catholic as well as the Protestant would equally regard as salutary barriers against the possible encroachment of a foreign jurisdiction. It was too late, at such an hour, to enter upon the discussion of those securities; but he would beg to call the recollection of the House

to those documents he had frequently referred to, in the course of former debates, and which were annexed to those publications to which the Noble Viscount on the Treasury-bench had done him the honour to advert. He had considered it as an imperious duty to contribute, as much as was in his power, to tranquillize those apprehensions which were but too general, *by an extended circulation of those documents without the walls of this House*; and, indeed, he had great authority in support of his own opinion, that such was the most advisable course to adopt, in the view of ultimately subduing the influence of popular prejudices;—prejudices, nevertheless, which we in some measure are bound to respect, being for the most part rooted in a veneration and affection for our religious and civil institutions. *While the apprehensions of the Catholic subject might be set at rest in a conviction that no violence was intended to be offered to his religion, inasmuch as Catholic States were themselves the most forward to establish such barriers against encroachment;—the Protestant would discover that the proposed regulations afforded an effectual safeguard to the Constitution itself.* They were not crude or fanciful provisions, but such as had been matured by the experience of ages, and practical without offence. It was true, that they had been originally framed when the power of the Pontiffs was truly formidable, and too often injuriously exerted: *but they were still continued as existing regulations, and even re-enacted with additional restrictions, at a very recent period, by a government which was supposed to be most blindly devoted to the religion of Rome.*—He spoke particularly of Spain, which had also been noticed by the Noble Viscount, in reference to the *Edict* which Sir J. H. had on a former occasion stated in the House. The policy of Napoleon too

might serve as an example—*fas ab hoste doceri*, is sometimes a wholesome adage.—With the Pope a prisoner within his state, he legislates, with provident caution, against encroachment by the interdiction of all *Missives, Bulls, Briefs, &c.* without a regulated examination.—If such had been the policy of *Catholic States*, and of such recent practice, it surely becomes a duty imposed upon those of a different communion, not to be less vigilant. *Russia, in this respect, followed closely the steps of those Catholic States;—the See of Rome has not remonstrated on the excess of her caution, but recognised her concessions, in favour of her numerous Catholic subjects, with every demonstration of respect and gratitude.* But if arguments drawn from the examples of foreign states were not sufficient to evince that something more than shadows were to be encountered, Sir J. H. said he should call to his aid the candid avowal of a *Prelate of the Roman Catholic communion,—a subject of His Majesty, who himself had been a close and intelligent observer of the facts upon which he grounded his opinions.* In a detailed correspondence in which he had zealously defended the doctrines of his Church from the injurious imputation of hostility to civil allegiance in a Protestant state, his candour admitted, at the same time, that there existed abuses, almost systematic, which a prudent policy should be on the alert to discover and repress:—but to use his own words, “ *But whilst I say and advance all this as a steadfast Roman Catholic, not ill versed in all doctrinal points of this Church, I am, from a long-acquired experience, bold to say, that I am far from being prejudiced, or so sold to Rome, as not to allow that it behoves every National Church, or even State, to guard against certain encroachments, cabals, and intrigues of Rome*

“and of her CURIA, whose finesse and the most refined policy are ever in practice.”—To evince the modern existence of such encroachments, Sir J. H. said he should refer to another authority, that of a Metropolitan of a province in Ireland, some time since deceased;—the Archbishop thus expressed his discontent:—“*I was surprised to hear of an ALIEN BISHOP coming into my province, which was a treatment I did not expect from the Sacred Congregation, who gave me no notice thereof. If Cardinal ANTONELLI had remained in his station, I would have taken the liberty of letting him know my mind very candidly.*”—In these short extracts, Sir J. H. observed, from authorities which were irrefragable, the precept of one writer is illustrated by an example given by the other. The authorities are not of an antiquated date—they are both of the same year—so recent as the year 1795, and the originals of both the documents were in his possession. The act of intrusion, although probably of little moment in itself, yet afforded sufficient evidence of that usurpation of authority, which might eventually be directed to a mischievous purpose, and tend, at least, to unsettle and disquiet the minds of those Catholics, who regard, with a less resisting spirit than others, the efforts of the Papal power when exerted beyond its legitimate sphere of action. It is enough for the present argument to discover that the intrusion did, in fact, excite serious discontent in the mind of the venerable Prelate upon whose ecclesiastical jurisdiction the intrusion was made.”

“In the face of such pointed authorities,—with the practice of almost every State in Europe—of the Catholic as well as the Reformed communion, in favour of regulation, with the admission of the four Metropolitans, and six senior

Roman Catholic Prelates of Ireland in the year 1799,—*to the principle of which no subsequent resolution has ever been opposed;—with such admissions at home, and such authorities abroad,* shall regulation, in the same spirit, and to the same end, be now resisted, as a wanton and untenable attack upon the feelings and principles of our Catholic fellow-subjects? Much as he had ever been an advocate of their application to Parliament,—because in his judgment it was founded in equitable claims, and because the concession would be strictly warranted by a sound and liberal policy,—*he had been uniform in his declarations, from the first moment when he took any part in the discussion of the question, that he could never assent to the measure, unaccompanied with those securities which had been sanctioned by the wisdom and experience of ages.*—When the time shall have arrived for that deliberate consideration *to which Parliament was now called upon to pledge itself,* he should then think it his duty to be prepared to enter upon those *details of regulation,* conformable to his own view of the subject, and be ready to substantiate the high authorities which sanction them.—He therefore most cheerfully supported the motion before the House, as it avowed for its object,—“such a
“final and conciliatory adjustment, as may be conducive to
“the peace of the United Kingdom—*to the stability of the*
“*Protestant Establishment,* and to the general satisfaction
“and concord of all classes of His Majesty’s subjects*.”

* This solemn pledge, given by a vote of Parliament, will probably excite a spirit of inquiry even among those, who, under the influence of antiquated prejudices, have hitherto considered the claims of the Catholics to be founded neither in moral justice nor civil expediency :—and inquiry will ever be favourable to every legitimate object. The interval which pre-

Such, my dear Lord, were the statement and declarations made, by me, in the debate on Mr. Canning's Motion, when I cited the extracts from the Letters of which Mr. Plowden evidently considers me to be either the fabricator, or the dupe. "*Mistrust*," says he, "*both the instructor and the instructed. I bid defiance name.*" And immediately after this defiance, he denounces "*the deep-laid plan—suggested by Sir J. Hippisley—fathered by Mr. Pitt—adopted by Lord Grenville—and palmed by Lord Castlereagh upon the duped and intimidated trustees of Maynooth, in contemplation of the Union*.*" He has forbore, however, to inform his readers, who those trustees were; and it is not every one, whose fears may be excited by his narrative, who will be aware that he is thus speaking of

cedes parliamentary investigation will be advantageously employed in such inquiries; and, compressed within a small compass, no publication affords more important information, than the Appendix and Notes, from page 59 to 89; annexed to Dr. Butler's Sermon, entitled "*Christian Liberty*," preached before the University of Cambridge, on the installation of His Royal Highness the Duke of Gloucester.—Among the authorities quoted by Dr. Butler, will be found several highly interesting works, now very difficult to be obtained. [Longman—Evans—Faulder—London, 1811.]

* Historical Letter, 340.

the four Archbishops and six ancient Bishops of his own communion, assembled on the 17th, 18th, and 19th of January 1799, when they resolved, "that a provision, through Government, for the Roman Catholic Clergy of Ireland, competent and secured, ought to be gratefully accepted;" and also, "that such interference of Government, as may enable it to be satisfied of the loyalty of the person appointed, is just, and ought to be acceded to." And further, "that if Government have any proper objection against such candidates, the president of the election will be informed thereof, within one month after presentation; who, in that case, will convene the electors to the election of another candidate." On the 23d of January following, the Prelates likewise resolved, "that Dr. O'Reilly, Dr. Troy, and Dr. Plunkett (the R. C. Archbishops of Armagh and Dublin, and the Bishop of Meath), with such other Prelates as may be in town, be commissioned to transact all business with Government relative to the said proposals, under the substance of the regulations agreed to and subscribed by them." These regulations were to be "sanctioned by the See of Rome; which sanction the Roman Catholic Prelates of Ireland shall, as soon as may be, use their endeavours to procure."

Such were the solemn resolutions of the Prelates, at that period ; and though they have frequently been before the Public, many, who are deeply interested in the controversy of the present hour, are yet to be apprised of them. Mr. Plowden asserts, that the Prelates were held in a state of *dupery* or *terror*; in other words, fooled or frightened into the tender of a covenant, destructive of the integrity of their religion. Mr. Plowden must allow me to think more respectfully of your Prelacy: Your Lordship, as a *co-trustee of Maynooth*, will disavow with scorn, or repel with indignation, an assertion which fastens upon your Prelates the imputation of so unbecoming a weakness of conduct and character. No slight information of the proceedings of that period has convinced my mind, that they were wholly uninfluenced by such terrors. Your Lordship knows, and I am persuaded that Mr. Plowden is not ignorant of the fact, that I was in intimate correspondence with some of those who bore the greatest part in the occurrences of that day—both members of the Government and of your Prelacy. All the letters of your Prelates bespoke a well-founded confidence in their intercourse with Ministers, and in the according disposition of the See of Rome. They were too well instructed in their duties, as subjects and as Catholics, basely to sacrifice either

their loyalty or their religion; but no such sacrifices were to be demanded of them; they were left to their own acts, and they had proposed to make no concessions beyond those to which the See of Rome had been in the uniform practice of assenting: if any doubt had existed in their minds, it must have been afterwards removed by an official letter of the Cardinal Prefect of *Propaganda*, addressed to myself, by order of the supreme Pontiff, on the 26th of July 1800, which pointedly sanctioned the *principle of a state provision for the Roman Catholic Prelacy and Clergy of His Majesty's dominions*: and, also, by the authority of another letter of the same Cardinal Prefect, addressed to Bishop Milner, which as decidedly recognised the *principle of the negative exercised by a sovereign not being in communion with Rome, upon the appointments of Roman Catholic Prelates within his state*. The See of Rome, indeed, Your Lordship well knows, and as *Bishop Milner has more than once stated**, had gone much further, in accommodating itself to the ordinances of sovereigns of the *Greek* and reformed churches, by acquiescing, without remonstrance, in the actual nominations of the sovereigns of *Russia* and *Prussia*, and even of His present Majesty, and

* Vide Bishop Milner's Letter to a "*Parish Priest*."

invariably granting, upon application, the usual faculties of confirmation, and authorizing the consecration of Prelates, so appointed. It is scarcely necessary to name the Sees of *Mohilow*, *Breslaw*, and *Quebec*. I have also a remarkable instance of this facility in a *memorandum* now before me, written on the day of the communication made to me at *Rome*, by the Cardinal *Antonelli*, then Prefect of Propaganda, on the 9th of December 1794. An application was transmitted to the See of Rome, *under the authority of our Government*, for the usual *bulls*, authorizing the consecration of M. D'Osmond, who had been named by His Majesty to the bishopric of *St. Domingo*, at that time in our possession; but while the *bulls* were expediting, some difficulties had occurred (though not on the part of the See of Rome), which induced His Majesty's Ministers to *desire that the expedition of the bulls might be suspended for a time; which suspension took place*. To the authenticity of this fact I can distinctly speak. With such facts of notoriety upon record, it should seem that the only "*dupes*," on the present occasion, are the well-meaning and unsuspecting public of Ireland, of Your Lordship's communion, who naturally must defer to the authority of those whose education and condition give them a natural influence over them, but many of whom, from day to day,

are imposing upon their credulity, by representations, similar to those which abound in the multiplied pages of the *Continuation* of Mr. Plowden's "*History of Ireland*," and his "*Historical Letter to Columbanus*."

If I am asked likewise, who are those influenced by terror? I must indeed turn to your Prelates, but not to their conduct in the year 1799, the epoch fixed by Mr. Plowden. I should rather look to the *Synod* of 1808, when, goaded and traduced by anonymous or avowed writers of the day—when, in the Letters of *Detector*, they were accused of "*a commerce of robbery, not less than sacrilege, and of acquiescence in a measure*" (namely, their own Resolutions of 1799) "*calculated to stir up insurrection, to suffocate Christianity, and to desolate Ireland*;" when, under these reiterated denunciations, they voted, and many of them, I know, reluctantly voted, that it was then "*inexpedient*" to make any change in the nomination of your Prelacy: it is to that period, I repeat, that I should look back to the acts of your Prelates, as influenced by *terror*. Nor am I disposed to pass over the month of January 1810, when, upon a report "that Archbishop Troy had received a letter from Sir J. H. containing the *Sketch of proposed Regulations concurrent with a State Provision*

“*for the R. C. Clergy of Ireland* :”—that venerable Prelate was immediately called upon to surrender, to a committee of *laymen*, the confidential communications of his correspondent; and, accordingly, the papers in question, though marked “*private*,” were so surrendered, to become the subject of their animadversion.—The Dublin papers of the month of January 1810, record the fact. These were the epochs which Mr. Plowden, in his next *calendar*, should, in preference, *rubricate, as the reign of terror*; and permit me, my dear Lord, in candour and truth, to observe, that your Prelacy can very little uphold the character of consistency, in resolving—“*that it is the exclusive right of the “ Roman Catholic Bishops to discuss all matters “ appertaining to the doctrines and discipline of “ their church* ;”—and that “*it is inseparable from “ their mission to propose, entertain, and judge, “ without any lay intervention, on points of “ Christian faith and of general discipline* ;” [26th Feb. 1810,]—when, almost at the same instant, they unresistingly bend to the assumption of such assemblies of *lay* assessors. But, from some recent occurrences, it should seem, that suffrages, whether exercised in *ecclesiastical synod*, or in the *elective franchise*, are held to be equally amenable to such control and animadversion : a principle, I should conceive, not al-

together in unison with the unalienable "rights of conscience."

But reverting to the Resolutions of the Irish R. C. Prelates of 1808, so severely chastised by Mr. Plowden:—It is due to his numerous readers, who are so much interested in the events of that period, of which he is the historian, that they should be likewise informed that Archbishop O'Reilly, the Roman Catholic Primate of Ireland, in reply to Lord *Southwell* and Sir *Edward Bellew*, pointedly declared that "*the Prelates [in 1799] did not mean to decide that the admission of a Veto, or negative on the part of the Crown, with the consent of the Holy See, in the election of R. C. Bishops, would be contrary to the doctrine of the Catholic Church, or any practice or usage essentially and indispensably connected with the Roman Catholic religion.*" The Archbishop then observed, that the difficulty "*is of a temporary nature, resulting from existing circumstances, though many suppose it to arise from the nature of the measure, thus giving to the resolution of the Bishops, a meaning it does not deserve.*" I need not remind Your Lordship, that these "*existing circumstances*" solely have reference to an Administration known to be adverse to the admission of the *Catholic Claims*.

It is in these terms, as Your Lordship well knows, that your most Reverend *Primate* speaks of that act of *ten venerable Prelates*, which Mr. Plowden denounces as subversive of the integrity of your religion; and which another of your writers states "*as a commerce of robbery, not less than sacrilege, and calculated to stir up insurrection, to suffocate Christianity, and to desolate Ireland* *."

The Prelates, however, even in their predicated *terrors*, were too wise and conscientious to record a syllable in unison with such frantic declamation; not a line is to be discovered in all their successive Resolutions, to the present hour, which, by any stretch of construction, can be held to controvert the *principle of the negative of the Crown*, so pointedly declared by them, and their solemn Resolutions of 1799, "*to be just, and which ought to be acceded to.*"

Without assuming too much, I feel myself fully prepared to meet Mr. Plowden, or Mr. Clinch, on this question: Bishop Milner must, with whatever reluctance, marshal himself on my side. I consider it of very little

* Letters of *Detector*, Dublin, 1808.

import whether that Prelate was accredited, or not, by the Irish Roman Catholic Bishops, in 1808, to propose, or to assent to the revival of the *negative* in 1808: I never assumed, for a moment, that he was invested with such an authority. I know the measure to be an object of legitimate legislation, and in strict subservience to every principle of sound polity, civil and ecclesiastical, in every Christian communion; and I should much regret to find a legislative question to be influenced by the assent or negative of the Roman Catholic Prelacy, however respectable; for this would be to recognise that body, in some degree, as an organ of legislation, and, in fact, to sanction an influence much more to be deprecated, than the negative of the Crown, even in the view of its most prejudiced decriers.

And now, my dear Lord, reserving myself for a further illustration of these principles and opinions, on a future occasion, I shall hasten to conclude my present address to Your Lordship, by answering the call of Mr. Plowden in reference to the authority of the *two letters*, quoted by me, in the House of Commons, on the 22d of June last; and he shall be gratified with a more extended extract, from one of them, than that which has already excited so much of his distrust.

The first letter was addressed to me by a Prelate, described by Mr. Plowden, in his Historical Letter, as his "*highly valued and esteemed friend*," Dr. Valentine Bodkin, late *Warden of Galway*, invested, by the Supreme Pontiff, with *episcopal jurisdiction*, although elected to that *spiritual charge by laymen* *. He is also recognised, by Archbishop Troy, as *one of the Prelates*, approving certain acts of the body, on the 3d of July 1809. The letter is not new to Your Lordship. The passage which I stated in the House of Commons, on Mr. Canning's Motion, I also read, suppressing the name of the writer, in the presence of Lord Clifford, at the head of a Catholic deputation, in a conference with Earl Grey and myself, when I had the honour to be charged, conjointly with His Lordship, with the Petition of the English Catholics to Parliament—a trust which I afterwards declined, from observing the unjustifiable construction given to my opinions and conduct, in some public assemblies and newspapers in Ireland. In withdrawing from the flattering trust, I am happy to find my place much more ably supplied by a Right Honourable Friend [Mr. Elliot], whose

* By a Constitution of Pope Gregory VIII. 1434, the election was vested in the Corporation of Galway; since that period, the Warden is elected by the representatives of certain ancient families, still retaining the character of a *lay election*.

talents and virtues must shed a lustre upon any cause that he espouses.

The late Warden of Galway, before his election to that charge, is known to have also executed the office of ecclesiastical agent at Rome, for a great length of time, of, as I understand, the majority of your Prelates, and among them, the late Dr. Egan, titular Archbishop of Tuam. —The other letter was addressed, by that metropolitan Prelate, to Dr. Bodkin, during the period of that agency. If my "*unsuspicious mind has been most maliciously practised upon,*" by having these two letters imposed upon me, Mr. Plowden may certainly assume some credit from the detection of the imposition; but it may be truly said of Mr. Plowden, as I recollect it to have been said, elsewhere, of another, "that he has taken pains to *bewilder himself in conjectures, and is ingenious for no other purpose than to err.*" Both letters are of the year 1795: that of the *Warden of Galway* is dated Rome, 29th May 1795. After five pages of ecclesiastical detail, stated in a manner to do him credit with the most zealous of your Prelacy, or with his chief Pastor himself, he proceeds thus:—"But whilst I say and advance all this as a steadfast Roman Catholic, not ill versed in the doctrinal points of this Church, I am, from

“ a long-acquired experience, bold to say, that
 “ I am far from being prejudiced or so sold to
 “ Rome, as not to allow that IT BEHOVES EVERY
 “ NATIONAL CHURCH, OR EVEN STATE, TO GUARD
 “ AGAINST CERTAIN ENCROACHMENTS, CABALS, AND
 “ INTRIGUES OF ROME, OR HER CURIA, where
 “ *finesse* and the most refined policy are ever in
 “ practice.” Thus far Your Lordship will find
 quoted, in the extract before given, of what I
 stated in Parliament. Mr. Plowden shall be
 gratified with the continuation.—“ Their wits,”
 continues the *Warden*; “ being always on the
 “ stretch, owing to the constant and incessant
 “ recourses to *Rome*, from all quarters of the
 “ world. By these means she gains a supe-
 “ riority over all others in point of more gene-
 “ ral information and instruction; and is thus
 “ in possession of such anecdotes and facts as
 “ enable her to play off people as she pleases,
 “ on certain occasions, and give such a turn to
 “ every sort of business, as to render her, at a
 “ long run, and in the end, by far superior to
 “ all others. No wonder, then, that the COURT
 “ OF ROME be so temporizing and yielding in
 “ appearance, except where the *dogma*, or doc-
 “ trinal points and tenets, or *universal discipline*,
 “ is concerned or at stake: she is then as un-
 “ shaken or immoveable, as she is condescend-
 “ ing on other occasions, and endeavouring by

“*douceur* and temporizing methods to play off
 “and parry the passions, guard against and
 “prevent ruptures and extremes, and save her
 “prerogatives and pretensions, both which she
 “has very ably, in former times, blended toge-
 “ther, and which latter she only yields, and be-
 “comes silent and passive, when too closely
 “pressed by the great and powerful.—My pen
 “has stolen upon me insensibly on this very
 “delicate subject, wherein the best intentioned
 “may err or trespass, without perceiving it; *but*
 “*I trust I have not; and that you will be more-*
 “*over convinced that I have most impartially com-*
 “*municated to you all due information as far as is*
 “*in my power.*”

I have quoted the *Warden's* letter to this ex-
 tent, as it carries with it the strongest internal
 evidence of candour and authenticity; and Mr.
 Plowden will probably be less disposed to con-
 trovert it, as he has recorded the writer as “his
 “highly valued and esteemed friend.”

The letter of Archbishop Egan, addressed
 to the writer of the last letter, at that time his
 agent at *Rome*, is dated the 16th May 1795,
 bearing the Dublin post-mark, of the 22d of the
 same month. To account for the *original* being
 in my possession, it is necessary that I should

transcribe a part of the letter, which I did not think it expedient to refer to in the debate on Mr. Canning's Motion, but which induced Dr. Bodkin to transmit it to me. The flattering acknowledgments of the Roman Catholic Prelacy of *Connaught*, as expressed in the Archbishop's letter, resulted from my successful opposition to the violent conduct of the *Cardinal* Protector of the Irish College of Rome, in resisting the appointment of national superiors. "Your packets," says the Archbishop, "of the 14th February and 14th March, came to hand—the substance of which I have communicated to the Bishops of this province: the grateful acknowledgments of the Prelates of this province, are justly due, and are hereby given, to Mr. Hippisley, for his able, spirited, and patriotic exertions, in rescuing the national character, from calumnies and aspersions, as foul as they are ill-founded. Every praise is due to Mr. Hippisley's exalted sentiments;—I pray you will convey to him our thanks." The Archbishop then enters upon details on the subject of the National Colleges at Rome; he speaks of the *Maynooth* Bill, then before Parliament; and proceeds to state *the fact*—so obnoxious to the feelings, and so surpassing the belief of Mr. Plowden; indeed he doubts not but that the "*three surviving Archbishops will readily stand forth to nega-*

"give the fact and complaint." The three Archbishops are welcome to have recourse to both the original letters, and I shall beg permission to confide them to Your Lordship's hands, for that purpose: I am nevertheless disposed to believe that those venerable Prelates are still inclined to place a much greater degree of confidence in my assertion, than Mr. Plowden is disposed to give me.—The Archbishop of Tuam proceeds—"I was surprised to hear," says he, "that *Dr. Fehan* was in Galway last August ON A COMMISSION FROM ROME, as you gave me NO ACCOUNT OF AN ALIEN BISHOP COMING INTO MY PROVINCE, which was a treatment I did not expect from you, or the SACRED CONGREGATION, who gave me no notice thereof. If Cardinal Antonelli had remained in his station, I would take the liberty of telling him my mind very candidly."

Your Lordship will believe the variation, in the former extracts, compared with this *verbatim* transcript, arose wholly from a desire, not unnecessarily to commit the name of the writers: since that period, observing the signature of a *Vicar Capitular* for *Galway*, in the recent Address of your Prelates, I concluded that my friend the *Warden*, as well as the Archbishop, had finished his earthly course, and which, indeed, within

a few days, has been confirmed to me; there is no longer, therefore, any reason for withholding their names; and I have thus opened to Mr. Plowden the sources of information which he has hitherto deemed *inscrutable*, in reference to assertions which had “forced him out of his favourable conceptions of Sir J. H.”—whether this address to Your Lordship will restore me to the place I have lost, time will discover.—He will permit me, however, under the sanction of this address, to say a few words on the subject of the “*hoax*” which he discovered to have been practised on me, and on which he has employed so many pages of his Historical Letter. I can assure him the paragraph relating to the *conviction of Levery, with its commentary*, was taken, *verbatim*, from a newspaper, and not conveyed to me *in a letter* from Ireland, as Mr. Plowden is pleased to assume as a fact, without the least ground for that assumption. It was of very little import whether the fact was true or false. Taking it, *with its comment, from the newspaper*, I considered it as furnishing a favourable occasion, to convey to the Public those interesting proceedings relative to the alteration of the *pontifical oath*; and those very documents are copied from my tract by Mr. Plowden, himself, in his Historical Letter; styling me “the indefatigable collector of documents and il-

"lustrations concerning the communications of
 "His Majesty's Roman Catholic subjects with the
 "See of Rome." After this small tract was put
 in circulation, Mr. Plowden was one of those who
 professed his share of obligation for the effort: at
 present, he shifts his ground, and attempts, with
 a very feeble hand, the application of the *ridicu-
 lum acri*, &c.; and finally takes credit with the
 public for discovering, in this little tract, the
 first dawn of the *conspiracy* which has since
 so alarmingly manifested itself!

Having so much exceeded my proposed limits,
 I must beg to refer to my observations, upon some
 other assertions of Mr. Plowden, in the Notes of
Ridgway's edition of the Substance of what I
 stated in the House of Commons on Mr. Grat-
 tan's last Motion. Those observations are di-
 rected to various passages in Mr. Plowden's
 third volume of the *Continuation of his History
 of Ireland* [1811]; and I trust they will be satis-
 factory to every candid Catholic, as well as Pro-
 testant, who is in pursuit of truth. The import-
 ance attached by Mr. Plowden to the detection
 of the conjectured *imposition* of the quotations
 from the letters, of which I have given the ex-
 tracts; and his zeal to inculcate a persuasion of
 that imposture; have prompted me to seek no less

publicity for the refutation of his hardy assumptions. I must, however, protest against the renewal of his charge, that I am "*beset and plied*" by others:—I wish to stand solely responsible for the opinions I have maintained through the course of this protracted controversy, connected with the Catholic Claims, unless he will allow me to call to my aid the framers of *Magna Charta*—of the anterior *Constitutions of Clarendon*—of the Statutes of *Provisors and Præmunire*;—in a word, all our forefathers, when the religion of *Rome* was the religion of the State. I will not offend him by descending lower in our own history than the reign of *Henry of Richmond*. With such compurgators, I can assure Mr. Plowden that I am very fearlessly at issue with him; although, in the discussion of another part of this important question, I shall think it due to those who are so much interested in the result, to have recourse to a wider range of authorities, which will leave very little doubt, in a mind of candour and intelligence, concerning the choice of measures, as sanctioned by the soundest and most equitable policy, in relation both to Catholic and Protestant States. To Your Lordship I can offer no further apology than the obvious motive of my address, which I

am persuaded will, in Your Lordship's candour, supply me with a sufficient justification.

I have the honour to be,

My dear Lord,

With the sincerest respect,

Your Lordship's

Most faithful and obedient servant,

J. C. HIPPISELY.

To the Earl of Fingall,

&c. &c. &c.

P. S.—Since the preceding Letter was sent to the press, a note has been found containing the original paragraphs, cut out of newspapers, each noticing the fact, which Mr. Plowden has occupied so many pages of his Historical Letter, to disprove. One of the paragraphs is from the *Oracle*, of April, 1796; stating “the conviction of *Lever*, at the Assizes of *Armagh*, on the prosecution of *J. Sullivan*, of the *South Cork Militia*, for administering an oath to be true to the *Duke of York*, and his *Committees*.” The other paragraph states the same fact to have occurred at the Assizes of *Belfast*, with the comment that “it is pretty evident that there is still a considerable remnant of persons active in the desperate cause of restoring the proscribed family of *Stuart*, and probably finding

"abettors at Rome." The latter paragraph is of the same date, but the particular paper is not noticed. Mr. Plowden may find amusement in tracing either or both to their sources. The Commentary, however obviously erroneous, was deemed, at the time, by many of Mr. Plowden's friends, sufficient to justify the effort then made, in vindication of his *country* and *religion*; and which seems to have excited sensations in the mind of that gentleman, at one moment, so highly grateful, and at another, so profoundly contemptuous.

TO THE
EARL OF FINGALL,
&c. &c. &c.

LETTER II.

Stone Easton House,
Jan. 15, 1813.

MY DEAR LORD,

ALTHOUGH the advantage of an extensive circulation suggested to me this mode* of addressing Your Lordship, I am not unmindful of the restricted space, within which it compels me to confine my statements or my reasonings. The topics of discussion are various: my own positions cannot be maintained, nor the assertions of the writers to whom I am adverting, disproved, but by the production of satisfactory documents.

* This Letter, as well as the preceding one, was written in the view of publication through the medium of a newspaper.

On former occasions I considered it my indispensable duty to adduce the evidence in support of the principles and opinions I had invariably maintained on the subject of the "Catholic Claims:" I can now only, for the present, cursorily advert to them, and supply the clue to further examination and research.

Consistently with the view, I have uniformly taken, of this important question, I may speak the sentiments, even in the very words, of a high authority of the Established Church, "*that our great controversie about papal power, is not a question of faith, but of interest and profit, not with the Church of Rome, but with the Court of Rome, wherein the true controversie doth consist* *." Such was the distinction held by Archbishop *Bramhall*, Primate of Ireland, more than a century since. Nor was the view taken, of the same question, by Archbishop *Wake*, in the early part of the last century, very different. The correspondence of the Archbishop with *M. Du Pin*, and *M. Girardin*, has been preserved, and is worthy of the consideration of some of our Right

* "*Just Vindication of the Church of England.*"—Dublin, printed, 1677.

Reverend Prelates of the Establishment, at the present hour, whose recent publications should seem not the best adapted to support the cause of which, from education and station, they are justly to be considered the best advocates *. The

* Mr. Archdeacon Paley, in his Dedication to the Bishop of Carlisle, observes, that "when the doctrine of *transubstantiation* had taken possession of the Christian world, it "was not without the *industry of learned men*, that it came, "at length, to be discovered that no such doctrine was contained in the New Testament. But," continues the Archdeacon, "had those excellent persons done nothing more by "their discovery, than abolished an *innocent superstition*, or "changed some directions in the ceremonial of public worship, they had merited little of that veneration, with which "the gratitude of Protestant Churches remembers their services." It is in this temperate language that Archdeacon Paley speaks of a leading *tenet* of the Roman Church, which so many others have dressed out in the offensive garb of *idolatry*, and in the uniform practice of which, the whole Christian world had persisted for centuries.—In justice to our fellow-subjects of the *Roman* communion, we should recollect that the *Lutheran* Church holds the doctrine of the *real corporal presence in the Eucharist*, in common with the Church of *Rome*, though differing from her as to the *mode* and *denomination*. We should also recollect, that many eminent divines, not holding communion with either of those Churches, have, nevertheless, been forward in rescuing them from the obloquy of such uncharitable imputations. *Daillé*, the celebrated apologist for the reformed Churches, a *Calvinist*, defends the *Lutheran* from this imputation of *idolatry*, his only purpose being to adore the body of Christ, which is an unquestionable object

opinions maintained by a late Prelate of Your Lordship's Church, in a letter which I quoted

of adoration. So our own divines, *Jeremy Taylor* and *Herbert Thorndike*, have charitably maintained, that, if, by some accident, the *Host* should even not have been consecrated, the act of adoration paid to it, could no more be deemed an act of idolatry, than if a person coming into the presence of our Saviour, when upon earth, had fallen down and worshipped *Peter*, or any other, mistaking him for the divinity of *Christ*. Of the aggravated charges of *sacrilege* and *blasphemy*, super-added to that of *idolatry*—of holding, that *no faith is to be kept with those of a different communion*—of the *dispensing* and *deposing* doctrines; objected, with as little truth as discretion, as tenets, inseparable from the religion of the Church of Rome;—of these charges, though alleged against that religion, under the sanction of great names even at this hour, it is not the present object to enter into a discussion: let, however, the candid admission of Archbishop Wake, in his correspondence with certain Doctors of the *Sorbonne*, serve as a salutary caution to those, who are so apt to mistake and confound the essential grounds of separation of the two Churches. After the Archbishop had received the *Commonitorium*, or exposition of *Du Pin*, the Regius Professor of Divinity in the Sorbonne, and the controversy was reduced to three heads, viz. *Articles of Faith*, *Ecclesiastical Discipline*, and *Moral Doctrine*; and after he had also received, from M. Du Pin, a very detailed examination of the *Thirty-nine Articles of the Church of England*, which examination had been read in the Sorbonne, and approved of there, the Archbishop addresses a letter to his correspondent (who had died before its arrival at Paris), in the following words: dated, *Lambeth*, May 1, 1719: "*In dogmatibus, prout à te candidè proponuntur, non admodum dis-*
"*sentimus: in regimine ecclesiastico, minus: in fundamenta-*

in the conclusion of my last Address, are strongly in support of the above distinction

"libus, sive doctrinam, sive disciplinam, spectemus, vix omnino." Lest this liberal admission should be suspected to proceed from a mind less fixed and informed than the Archbishop's, the merited eulogy of Dr. Richardson, Master of *Emanuel College*, should accompany the quotation. That learned divine, speaking of Archbishop *Wake* as a controversial writer, observes, "that his accurate and superior knowledge of the nature of the *Romish Hierarchy, and of the constitution of the Church of England*, furnished him with victorious arms, both for the subversion of error and the defence of truth." [*Commentarius de Presulibus Angliæ. — Cambridge, 1748.*]—This note is extended from observing a quotation from Bishop Milner's *"Instructions to the Catholics of his District,"* quoted by the Bishop of Gloucester, in his late Letter to Lord Somers. By a reference to the original correspondence of Archbishop Wake with Dr. *Du Pin, Girardin, &c.* together with the admissions of the theologians of the *Sorbonne*, the Bishop of Gloucester might have formed a more accurate opinion of the controversy than he seems to have adopted from the statement which His Lordship has quoted from Bishop Milner.

Another learned Prelate of the Establishment, the Bishop of *Lincoln*, has entered this field of controversy, in a Charge to his Clergy, from which, as it appears to have had a very rapid circulation, it may be opportune to quote a few short passages. "It is well known," says His Lordship, "that our laws forbid neither the public avowal of the Romish faith, nor the public exercise of the Roman worship: nay more, the laws not only permit, but they so far protect the Romish worship, that they punish every insult or disturbance, which

taken by Archbishop Bramhall in his "*Just Vindication of the Church of England.*"

"may be offered to those who are engaged in the performance of it."—"Parliament has erected, and supports by annual grants, an extensive seminary of Popish Priests."—"The law says to Papists, You may form your own religious opinions, you may exercise your own mode of worship, because these are unalienable rights, with which no civil government ought to interfere; but into situations of power and trust you are not to be admitted, *because you hold opinions incompatible with the safety of our Constitution in Church and State.*"—If idolatry, and blasphemy, and sacrilege, as averred by some of His Lordship's colleagues on the Bench, are identified with the Romish faith, will His Lordship contend, that no civil government ought to interfere with the public avowal or practice of such principles? Was it in the contemplation of such principles, that "a seminary of *Popish Priests* has been erected and supported by Parliament?" Was it in reference to such principles, that situations of *power and trust*, civil and military, to a very great extent, were opened to those professing the "*Popish religion*" in Ireland, in 1793, and the public exercise of that religion, "protected by law," as the Bishop admits, throughout the United Kingdom? On these principles, is it that His Majesty, in the scrupulous observance of his coronation-oath, and by the advice of the Ministers of the Crown, from time to time, has commissioned, under his royal signature, such "*Popish Priests*" to teach and preach the religion of Rome, as chaplains to entire regiments of Catholics in the service of Great Britain and Ireland? The dilemma produced by charges of this description, is indeed of a very serious nature; they amount to libels on a fourth part of our fellow-subjects, or, on the Legislature, including the King himself! In a word, if the charges are verified, we shall not only agree

To Your Lordship, I need not repeat or define the leading principles or measures of regu-

with the Bishop of Lincoln, that His Majesty's Roman Catholic subjects have no claim to an extension of their civil franchises; but we must even view them with horror! "But such arguments," as another eminent Prelate* observed in Parliament, "attempt to prove too much; and were they proved, the Catholic would not only be unworthy of the privileges for which he contends, but he would be unfit for all social intercourse of every kind—*Vetabo sub iisdem sit trabibus†.*"

* Bishop of Norwich.

† To the Diocesan Charges of those Prelates of the Establishment, who maintain such disqualifying opinions of the civil and religious principles of their fellow-subjects of the Roman Catholic communion, may be opposed the sentiments of the late Bishop Horsley of *St. Asaph*, and of the late Bishop Law of *Elphin*; also of Bishop Watson of *Landaff*, Regius Professor of Divinity in the University of Cambridge, and of Bishop Bathurst of *Norwich*. Of many similar passages from the Diocesan Charges or Parliamentary Speeches of those Prelates, which have been already before the Public, two only are now selected:

The Bishop (Law) of *Elphin*, in the debate on the Catholic Bill, in 1793, candidly admitted, that "speculative differences, in some points of faith, were of no account.—His Roman Catholic brethren and himself had but one religion, the religion of Christians;—and that without justice to the Catholics, there could be no security for the Protestant Establishment."

The following advertisement is prefixed to a Charge of Bishop Watson, delivered to his Clergy, in June 1805, soon after Lord Grenville's motion in Parliament; and published, for the first time, on the first of June 1808:

"A numerous and respectable part of the Clergy of my diocese requested me, at the time it was delivered, to publish the Charge now submitted to the world. I excused myself from complying with their request, because I considered the Catholic Question to have been then settled, at least for a time; and I was unwilling to revive the discussion

lation for which I have contended; but in conformity to the chief object of my Address,—

Thus much is stated in reference to the assertions made in some late Diocesan Charges of Prelates of the Establishment, of which, that of the Bishop of Lincoln, it must be confessed, is one of the most moderate, though His Lordship is wholly mistaken in his inference from the quotation he has made from Professor *De la Hogue's Tractatus de Ecclesiâ*, wherein the Bishop has adopted the error of the late Chancellor of the Exchequer, not being aware that Mr. Perceval, with great candour, afterwards admitted the fallacy of his own conclusion, from the partial statement he had made from the same work. This fact is particularly mentioned in the Notes annexed to "*The Substance of Sir J. C. Hippisley's Speech on Mr. Grattan's Motion on the 24th of April 1812.*"—[Ridgway.]

That many bodies of our provincial Clergy should have followed the example of the Universities, in preferring Petitions to Parliament, under the existing circumstances, is not a matter of surprise; but that many should have gone to such a length of unwarrantable assertion, is assuredly to be regretted. Others, on the contrary, have the merit of great moderation; and among those of this description, that of the *Clergy of the*

" of a subject, on which I had the misfortune to differ in opinion from a
 " majority in each House of Parliament. I have still that misfortune—
 " but looking upon the situation of the empire to be abundantly more hazardous
 " now than it was three years ago, I have thought it a duty to declare publicly
 " my approbation of a measure, calculated, I sincerely believe, above all other
 " measures, to support the independence of the country, to secure the stability of
 " the throne, to promote peace among fellow-subjects, and charity among fellow-
 " Christians, and in no probable degree dangerous to the Constitution, either
 " in Church or State.

" Calgarth Park, 1st June 1808.

R. LANDAFF."

which is not to instruct Your Lordship, but, under the sanction of so respected a name, to

county of Devon deservedly holds a distinguished place. If the fathers of the *Reformation* had entertained opinions, such as we have seen recorded in many of these petitions, their silence and forbearance merited very little of that "veneration," to speak again in the words of Archdeacon Paley, "with which" "the gratitude of Protestant Churches remembers their services."—Those zealous and learned divines did not consider the vitality of their great work of the *Reformation*, and the security of the Protestant Establishment, dependent on the *exclusion of Catholics from Parliament*. No such question was agitated; and we know that Catholics sat and voted in Parliament in *five successive reigns* after the *Reformation* was established by law. We know that a very large proportion of the members of those Parliaments were Catholics, in which some of the most important acts were passed for the security and uniformity of the Establishment. We know, also, that their exclusion from Parliament originated from an imaginary plot, founded on the perjuries of *Oates* and *Bedloe*, combined with the apprehensions, certainly at that time not ill-founded, of a "Popish" successor to the Crown.

Great respect is primarily due to the public acts of the established Clergy, and all credit to be given to their motives; but in stepping too far in admonitions to the Legislature, on questions of civil policy, they may inadvertently expose themselves to animadversion *, not dissimilar to that which fell even from a

* The Clergy of *Devon* seem to be well aware of the possibility of such constructions, and, in their Petition to the House of Lords, have sagaciously expressed themselves in the following terms:—

"That it is with extreme reluctance that your petitioners address Your Lordships upon the subject of the repeal of those disqualifying laws which now affect His Majesty's Roman Catholic subjects.—That this

engage the attention of the less informed part of the population of your country,—I feel it

Prelate of their own body, the Bishop of Oxford, in his speech on the Impeachment of Dr. Sacheverel, who, "*using the words of another great and eminent Prelate,*" as His Lordship observed, concludes—"that the practisings of clergymen in state matters, are of that dangerous tendency and consequence, that if there be not some effectual stop put to these practisings, these practisings will, in time, put an effectual end to our constitution*." It should be recollected that Parliament has already recognised as a principle, that the admission of a *foreign supremacy in matters merely spiritual*, "is not dangerous to society or civil liberty;" and that all Roman Catholics who take the oaths, which, in point of fact, they do take, are also to be recognised as "good and loyal subjects;" which oaths were expressly framed to admit the acknowledg-

"reluctance arises not only from that perfect confidence which your petitioners place in the wisdom and justice of the Legislature, but from a conviction that it ill becomes the ministers of religion to interfere, beyond the necessity of the case, in matters of state affecting the interests of the whole community."

Impressed with the same feelings, a beneficed Clergyman of the county of Wilts has authorized the publication of the following notice in the Bath Chronicle of the 4th of February:—

"We have authority to state, that the Rev. R. Warner, Rector of Great Chalfield, Wilts, and Curate of St. James's Parish, Bath, declined signing the two Petitions against the Catholic Claims, lately circulated through the Archdeaconry of Sarum, and the Diocese of Bath and Wells, for the signature of the Clergy of those districts, upon the sole principle that the *Catholic Question* is a great and difficult political one, to the discussion and determination of which the wisdom of Parliament alone is all-sufficient, and exclusively competent."

* State Trials, vol. v. p. 659.

incumbent upon me, distinctly, and avowedly, to state those opinions and measures which have

ment of such a foreign supremacy to be not incompatible with the duties of allegiance to their natural Sovereign.

It should, also, be recollected, that in the last Session of a House of Commons, consisting, in the whole, of six hundred and fifty-eight Members, one hundred and six, only, opposed Mr. Canning's Motion : that the Chancellor of the Exchequer and one of His Majesty's Principal Secretaries of State, the only Members of the Cabinet having seats in it, both voted for the *inquiry* : and that the salutary object of that inquiry was to effect " such a final and conciliatory adjustment, " as may be conducive to the *peace of the United Kingdom* " —to the *stability of the Protestant Establishment*—and to " the general satisfaction and concord of all classes of His " Majesty's subjects." Without such an inquiry, the same errors and misrepresentations will eternally prevail : the inquiry once conceded, " the production of documents, and examinations in such a Committee as had been suggested (a " *Select Committee*), might be followed by resolutions of " fact, directing the attention of the public to the material " points and bearings of the question, and constituting the most " satisfactory authority on which a Bill might, hereafter, be " framed commensurate to the real exigency and justice of the " case.—The adoption, qualification, or even rejection of the " claims of the Petitioners would thus derive a sanction not " to be found in the loose discussions of successive parliamentary debates, whether in the House itself, or in a Committee " of the whole House. It should seem that the expedient was " too rational to be questioned by any, but those who were determined to resist inquiry in any shape whatever *."

* Vide Sir J. Hippisley's Speech on Mr. Grattan's Motion, 1811.

been so much controverted and deprecated, by the writers whom I noticed in my last Address, with the grounds on which they are to be consistently maintained.

The negative of the Crown upon the nominations to your Prelacy, and a regulated control upon the intromission of Papal bulls, briefes, and rescripts of the See of Rome, or *other foreign jurisdictions*, constitute the material points of the controversy. To these may be added the consideration, whether your Prelacy, by virtue of their powers of *order and jurisdiction*, upon sound Catholic principles, have, or have not, an inherent spiritual and ecclesiastical authority, to adapt their measures to the exigency of the times, and, particularly, with reference to those cases which are usually reserved to the Supreme Pontiff?

The affirmative of the two first positions, Your Lordship well knows that I have ever maintained; the latter, though a scholastic question, is of no light consideration in the present state of Europe, and, especially, as it affects, in some respects, at this crisis, the ecclesiastical government of a very large proportion, probably, a fourth or a fifth, of our fellow-subjects of Great Britain and Ireland.

The Roman Catholic Prelates of Ireland, in their last Address of the 18th of November, published "by authority," declare, "that precluded as they are, at present, from any intercourse with their Supreme Pastor, they feel themselves utterly incompetent to propose or agree to any change in the long-established mode of appointing Irish Catholic Bishops." I cannot but again observe, that by this Resolution, they have not negatived the *principle* of their Resolutions of 1799; nor was it before negatived, either by their Resolutions of 1808, or of 1810; but they look to the inaccessible situation of their Supreme Pastor, as constituting the principal difficulty in making such arrangements. How the enjoined recurrence to Rome, in the greater causes, and, as we may presume, occasionally, of the first necessity, is now obviated, we are yet to learn. We know that, by the general discipline of Your Lordship's Church, many cases are reserved to the Supreme Pontiff, and that no competent faculties are known to exist, in this kingdom, to supersede that recourse. It is ascertained, however, that faculties, commensurate even to the investiture and consecration of Bishops, were delegated, by the present Pope, to the *Cardinal Secretary of State* when at Paris, in the year 1802.

Connected with the subject of the Pope's imprisonment, great misapprehension seems yet to prevail. I have myself heard it stated, more than once, in Parliament, that your Prelates had resolved to receive no bull or rescript from the Pope, nor obey any Papal mandate *whatever*, during his imprisonment. This assertion was opposed to the suggestion, that such rescripts, in the existing circumstances of the times, might possibly take their tone and character from the authority which held the Pope in subjection. The same assertion I heard also made in the House of Lords, and I have read the same, maintained in a speech, in one of your great public meetings of Catholics in Ireland, and, to my astonishment, uncontradicted. Need I say to Your Lordship, that nothing can be less founded than such an assertion; as "*Bulls of resignation of the Pontificate*" are the only instruments, in the contemplation of your Prelacy, which they have determined to disregard. To this effect they have pointedly expressed themselves in their Resolutions of the 26th of February 1810. The Pope, when this Resolution passed, was a prisoner at *Savona*, and, under the same circumstances, has since been transferred to the *Chateau of Fontainebleau**.

* The *Journal de Paris* states, that Napoleon went to *Fontainebleau* on the 19th of January last; and on the following day

As the last of the three positions, involving the question, whether your Prelacy possess an inherent authority, adequate to all the purposes of their spiritual mission, without recurrence to the Supreme Pontiff, under his present inaccessibility, is a subject, the consideration of which naturally arises from that notoriety, I will give it the priority, for the introduction of the few observations, or rather facts, to which I must, for the present, restrict myself.

In the year 1527, when Pope Clement VII. was a prisoner in the castle of St. Angelo, a treaty was made at Paris, between Francis I. and Henry VIII. ratified by Cardinal *Wolsey*, in the King's name. That treaty consisted only of three articles: 1st, That the contracting parties should *not consent to the calling of a general council during the Pope's captivity*: 2dly, *To receive no bull, or brief, or mandate, from the Pope, till he was liberated*: 3dly, *That till the Pope should resume the government of the Church, whatever should be determined in England by Cardinal Wolsey, assisted by the principal members of the Clergy, and in France by the Clergy of the Gallican church, should be punctually executed*. This treaty will be found in the *Corp. Juris Gentium* 1726, and is also noticed by Rabin.

the Pope signed the *Concordat*. It remains to be ascertained whether any new concessions were exacted from him.

Your Lordship will observe, that the sovereign power of the State is here recognised, as the source, from which the legitimate efficacy of disciplinary regulation, in this instance, is derived to the ecclesiastical body. It must be recollected that that treaty took place before Henry's defection from the See of Rome, as indeed the articles themselves evince.

But in similar instances—of the imprisonment of Popes, or in wars waged against Popes, that authority, which is ordinarily reserved to the Supreme Pontiff alone, has been admitted, by the most accredited jurists and canonists of Europe, to have been exercised by the national Prelacy, without incurring the guilt of *schism*, or the imputation of an unjustifiable violence offered to the primacy of the Supreme Pontiff. The treaty, therefore, between Francis I. and Henry VIII. will not be found to be a solitary precedent. The devolution of the spiritual authority, *in extenso*, to the national Prelacy, sanctioned by the declaration or tacit assent of the supreme magistrate, will be found to have occurred, at various periods of the history of Europe, and upon various occasions. In citing instances from the *Gallican* church, I may be told, as Your Lordship has been recently told, by a popular speaker in one of your late assemblies,

“*The Gallican Church is not a church for our imitation.*” So of the Catholic churches existing in *Prussia* and in *Russia*—“*Their example is not binding on you.*” I will not reply to such assertions, further than by observing, that the authority of great sovereign States, as exercised in the instances which have been often cited, may be considered as salutary precedents for similar legislation in other States, though the measure may not be in unison with the opinions and feelings of individuals. If in such legislative acts, the human law is found to be at variance with the divine ordinances, we are bound to admit the inefficacy of human legislation; but, while no tenet of faith or morals is affected by such legislation, and matters merely of human institution, whether ecclesiastical or civil, become the subjects of state regulation, those who are disposed to resist them must be reminded of the Gospel injunction, “to submit themselves to every ordinance of man for the Lord’s sake.”—“When Kings and sovereign Princes obstruct the communications and appeals to Rome, *it does not belong to the Bishops* to investigate the justice of such proceedings; but they are only to obey and provide, *pro interim*, what may be necessary for the spiritual welfare of the subjects.”—Such was the principle recognised by the first theologians.

and jurists of *Portugal*, in the year 1769, as appears by the *Tentamen Theologicum of D. Anton. Pereria*, published with the approbation of the Board of Censors, of a State, rarely to be suspected of wanton disobedience to the See of Rome. The voluminous compilation of *Seabra*, sanctioned by the same authority, comprehends the most striking documents in support of the same principle. It will be found, in fact, that restrictions and regulations, in the same spirit, have been instituted, at various times, in almost every State of Europe, and that the Prelates and Clergy have conformed to them, from a paramount sense of duty, though individuals may possibly have entertained their scruples. The soundest theologians and jurists have ranged on the side of the sovereign authority*.

In *Spain*, Henry III. of *Castile*, in 1398, enjoined his subjects to withdraw their obedience from Pope *Benedict XIII.* and to have no re-

* An Illustrious Personage, who has favoured the Public with his Speech, in the House of Lords, on the 21st of April 1812, thus expresses himself:—"I have heard it stated that 'this was not the moment for granting what they (the Catholics) ask: my answer is—that without limitations, which can only be taken into consideration in a Committee, certainly not.'"—His Royal Highness ably supports his opinion in reference to such limitations, by the authorities of the writers above cited, and many others:

course to the See of *Rome*, either in *spirituals* or *temporals*, and in the mean time to regard their national Prelates as possessing unquestionable authority and jurisdiction in all pontifical cases. "*Jubemus*" (says the edict) "insuper, quod omnes et singuli nostri regnicolæ plenariè pareant suis Archiepiscopis, Episcopis, ceterisque Prelatis, habentes eos in suos veros Pontifices et Pastores."—*Martenius*, vol. vii. Collect. veterum Monument.

In the year 1526, the supreme pontifical authority of Pope *Clement VII.* was also abolished in *Spain*, by an edict of the Emperor *Charles V.* in resentment to that Pope's violent conduct. "Ut injuriam sibi à Clemente VII. illatam ulcesceretur, nominis Pontificii auctoritatem per omnem Hispaniam abolit; EXEMPLO AB HISPANIS POSTERITATE RELICTO, posse ecclesiasticam disciplinam citra nominis Pontificii auctoritatem ad tempus conservari."—*Thuanus*, lib. i. c. vi. 33.

When the intemperate conduct of Pope *Paul IV.* gave offence to *Philip II.* of *Spain*, that monarch demanded the advice of the canonists and jurists of his Universities, and, in conformity to that advice, pronounced that the entire ecclesiastical functions throughout his kingdom should be exercised by the national Prelates,

without recourse to the See of Rome, even in the greater causes, ordinarily reserved to the Supreme Pontiff:—"ea etiam quæ jure Pontifici reservata essent;"—to the exercise of that "right," the sovereign was held to be competent to continue or withdraw his sovereign sanction.—*Leitonijs in Tractatu analytico*, p. 153.

In 1709 all access to the Roman *Curia* was interdicted by *Philip V. of Spain*; and in later times, in the year 1760, *Joseph King of Portugal* promulgated a similar interdict, under the severest penalties, both in civil and ecclesiastical causes:—"Nequis Lusitanorum, cum Romanâ Curia, ullum haberet commercium, sive sacrarum, sive civilium rerum causâ. Scilicet ea Regum et Principum Catholicorum consuetudo est, salvo quidem, tum religione, tum Pontificis dignitate, cum majestatem et auctoritatem suam vindicare volunt." Neither did the soundest theologians of *Portugal* consider this edict of the King, an infraction of the essential discipline of their Church, or an unwarrantable attack on the spiritual Primacy of the See of Rome. Its object was the regulation of discipline alone, and its authority maintained by a multitude of examples. Without recurring to more remote times, the Pontificates of Paul IV. Julius II. and III. Clement VIII. and XI. and Benedict XIII. afford

abundant authorities, as may be distinctly seen in the *Tentamen Theologicum of Pereria*, and the *Deduction Chronologica* of Seabra, in one or other of which publications, all the preceding instances are likewise particularly cited*.

* The conduct of the Popes in earlier times rarely called forth the remonstrances of the temporal sovereign. The following brief extracts are made from an ancient publication, entitled, "*La Grandeur de nos Roys et leur souveraine Puissance*;" printed, at Paris, in the year 1615.—The old spelling is preserved in the extracts.

Pope *Gregory the Great*, writing to *Theodore*, the Emperor's physician, and speaking of the Emperor, says—"Dieu ne luy a pas donné seulement de dominer sur les soldats, mais aussi sur les *Eveques*."—Pope *Leon I.* in a letter to the Emperor *Theodosius*, says—"Toutes les églises, tous les prestres, prient votre douceur, avec gémissemens et larmes, que vous commandiez qu'un CONCILE General soit célébré en Italie."—Pope *Leon IV.* having some differences with the Emperor *Louis*, thus addresses him—"S'y nous n'avons suivy le chemin de l'équité de la loy envers les sujets, nous sommes prests de reparer la faute, à votre jugement, ou de vos deleguez."—Pope *Stephen*, anterior to Pope *Leon*, also addressing the Emperor, says—"Sçachant que le l'Eglise de Dieu ne peut subsister sans pasteur, nous prions (comme nous ne devons faire autrement) qu'il plaise votre prudence imperiale, suivant la coutume de toute ancienneté observée, de nous donner licence, d'en pourvoir un, en nous adressant une missive imperiale; et nous obeyions en cela, à vostre volonté, et consacrons (Dieu aydant) celui qui sera élu."—The compiler here observes: "Tant s'en faut donc que le Pape péust oster aux Rois leurs royaumes, à l'Empereur l'empire, qu'il ne pouvoit donner un Evêché, sans le consentement du Prince." Pope *Boniface* thus

Whether the *power* and *jurisdiction* of the Prelates of the Roman communion be derived to them from the Supreme Pontiff, or immediately from Christ, is a theological question which I have little disposition to discuss with Your Lordship, and still less to introduce it as a subject to be debated in Parliament;—I advert only to historical facts, where the interdicts of the temporal sovereign upon the exercise of the Papal authority in the instances cited, were sustained by theologians of great reputation; and I have thus briefly adverted to them, in consequence of the recent Resolutions of your

writes to the Emperor *Honorius*—" Nous vous supplions " qu'en la ville de votre clemence *vous pourvoyez à l'état " de l'Eglise.*"—Pope *Leon* represents, in a letter to the Emperor *Lotharius*—" Veu que l'Eglise Reatine a demeurée si long " tems sans pasteur, il est convenable qu'elle soit aydée du " bras de votre grandeur, et deffendue par le regime de votre " gouvernement. Parquoy, après vous avoir humblement " saluée, nous supplions votre clemence, qu'il vous plaise octroyer " le regime d'icelle eglise, à *Colon*, humble diacre, afin que " moyennant votre licence, nous le puissions, à l'ayde de Dieu, " consacrer Evesque en icelle; et s'il ne vous plaist qu'il soit " Evesque, au moins agreez qu'il soit pourveu de l'Eglise Tus- " culane que est vacante, afin qu'estant, par nous, consacré " Evesque, il en puisse rendre grace à Dieu tout puissant, et à " vostre empire," &c. &c.—Many other authorities of the same nature are given in this work, with distinct references to the records from which they are selected.

Prelates, upon which they may be considered, more or less, to bear.

But whatever disinclination I may feel to agitate this latter position, as a polemical question, or as the basis of any specific regulation, I must candidly avow to Your Lordship, as you know I have ever maintained; that I have no such scruples in reference to the two former positions, namely—*first*, The regulated exercise of the negative of the Crown upon nominations to your Prelacy, whether that nomination be exercised by your Prelates in general, or Provincial Synods, or, whether by the *postulation*, or recommendation, of an individual Prelate in favour of a coadjutor, *cum successione*;—and *secondly*, The institution of a legitimate control on the intromission of all Papal *Bulls*, *Brieves*, and *Rescripts* from the See of Rome, or any foreign jurisdiction whatever, in order to satisfy the Executive Government, that such instruments, whether proceeding from the *Supreme Pontiff*, or his *Ministers*, or the *Generals of monastic Orders*, contain nothing essentially and practically injurious to the established Government.

Upon these principles, as sound and equitable enactments of a wise policy, Your Lordship

knows that I took my stand, not only throughout all the Parliamentary discussions upon the question of Catholic Claims, since the Motion of Mr. Fox, in the year 1805; but also, that they were the subjects of my frequent intercourse with the Ministers of Pius VI. during my last residence in Rome, from the year 1792 to 1795 inclusive. Your Lordship has seen much of the original correspondence, as have, also, some of the principal members of your Prelacy, in Ireland; as well as on this side of the water. No question was raised at *Rome*, or in *Canada*, in relation to the *actual nomination of the Crown* to the Episcopal See of that province. No resistance was made, at *Rome*, against the *actual nomination* of the Crown to the Episcopal See of *St. Domingo*, when that island became subject to His Majesty. Though the See of Rome remonstrated against the dismemberment of the ancient Episcopal Sees of *Corsica*, no objection was taken to that clause of the *Constitution* which provided for the *nominations to Bishopricks by a concurrence of the Parliament with the See of Rome*,—a Parliament, of which a Protestant sovereign constituted the *first estate*. To these facts I can speak authoritatively, as the representations of the Ministers of Rome, respecting *Corsica*, passed through my hands to our Government, and the proceedings, in relation to the See of *St. Domingo*, were communicated to me, by the Cardinal Prefect of

Propaganda, as I stated in my former Letter to Your Lordship. The result of these communications with the Ministers of Rome, was, from time to time, transmitted to my late invaluable friend, Mr. Windham, then a member of the Cabinet; but as those communications were chiefly oral, few documents remain, further than a letter of the present Cardinal Archbishop of Sienna, when Secretary of the Congregation of *Propaganda*, which admits, that in the *Dutch United Provinces*, where there was no Bishop resident, of the Roman communion, the Pope's Nuncio of *Brusselles* acted as *Vicar Apostolic*, both for the continental States and their colonies. The Nuncio expedited the patents, [*les patentes*] to the Arch-priest, who delivered them to the *Curés*, and they presented their appointments to the Chief Magistrate, for approval. There was no direct transmission of *Papal rescripts* to the Arch-priest or *Curés*; but when it was deemed necessary for the Nuncio to communicate with them, in reference to such rescripts as required publication, that publication was indirectly announced, as a matter of intelligence from another country—"comme une nouvelle d'un autre pays." Such was the representation of the Cardinal Secretary of *Propaganda*, addressed to me in the year 1794, in answer to a specific inquiry. Your Lordship has seen the ori-

ginal, as have many of your Prelates;—this fact I also stated in the tract of 1805, and, more than once, repeated in Parliament.

The erection of *Mohilow* into an Archbishoprick by the Empress, *Catherine*, in the year 1782,—her absolute nomination of the Archbishop and Coadjutor Bishop,—the extraordinary mission of the *Nuncio*, the late Cardinal *Archetti*, to deliver the archiepiscopal *pallium* from the Pope, and to consecrate the new cathedral,—are facts to which I have also frequently adverted. The edict of the Empress *Catherine*, comprehending her regulations for the Catholic Establishment within her empire, I have also frequently stated in Parliament, and laid before the Public.

An argument has been recently set up against the relevancy of these authorities, and it is contended that the interference of the Crown is wholly sanctioned by the annexation of the *temporalities* to the Episcopal See. Indeed it has been held in one of the provincial meetings in Ireland,—“*that had the Bishop of Quebec rejected the temporalities, he could have declined the oath of fealty.*” I conceive that when the four Metropolitans, and six senior Catholic Bishops of Ireland, resolved, that “such inter-

“ference of Government as may enable it to be
 “satisfied of the loyalty of the person appoint-
 “ed, *is just, and ought to be agreed to,*”—they
 did not reason on the principles of the speaker
 alluded to, and it is scarcely necessary to reply
 to such an assertion. One would think it
 almost impossible that any one could seriously
 contend, that the assignment of revenues or sala-
 ries, had constituted the chief motive, with the
 Empress *Catherine*, for assuming the actual no-
 mination to the archiepiscopal See of *Mohilow*,
 and for fencing, as she did, her Roman Catholic
 Church, and two millions of her subjects of that
 communion, with those restrictive regulations
 which were promulgated in her decree of
 the year 1783. The Empress was not so ill
 read in the history of Europe, from the earliest
 period, nor so little conversant with the civil and
 ecclesiastical policy of other States, existing in
 her own time, as to neglect the security of her
 own dominions from the possible encroachment
 of a foreign jurisdiction, against the recurrence
 of which, all other states had so sedulously
 guarded themselves. In permitting the re-esta-
 blishment of the order of *Jesuits*, which had been
 abolished, even at *Rome*, *Catherine* took especial
 care that the *Chief*, or *General of the Order*,
 should be a *subject of Russia*, and that *no appeals*
 to *Rome* should be had, *in any case*, without her

license.—But this leads to a subject not intended to be discussed at present, and I will dismiss it with the observation, that the *foreign jurisdictions* in contemplation, exclusively of the See of Rome, are those of the *Generals*, or *Chiefs* of monastic Orders *resident in foreign, and often hostile States*, and to whom the professed of such orders are, more or less, held in subjection, by their vows of obedience, according to their particular constitutions.

Your Lordship knows, that nearly at the same period, when the Empress *Catherine* promulgated her code for the government of that branch of the Roman Catholic Church within her dominions, many other sovereigns of Europe were occupied in the revision and reform of their ecclesiastical establishments, or *sectarists* tolerated within their respective states. *Ferdinand* had abolished, in *Sicily*, the formidable tribunal of the *Inquisition*: *Leopold* had done the like in *Tuscany*, having, at the same time, issued the regulations, which will hereafter fall within another head of observation: In the State of *Venice*, the *Inquisition* had been long subjected to the control of *three lay members of the Senate*. The King of *Sweden* had admitted, under restrictions, an *Apostolic Vicar* to preside over the Roman Catholics in his dominions.—Of the exten-

sive ecclesiastical reforms of the Emperor *Joseph*, I need not remind Your Lordship; some were pushed to extravagance; and all that the Supreme Pontiff could obtain, in his visit to *Vienna*, in mitigation of the Imperial edicts, was an exemption from the rigid operation of the "*Regium Exequatur*," in favour of such Pontifical Bulls and Rescripts, as were satisfactorily proved to fall within the *strict limits of the forum internum*, or *penitentiary*: but these are facts which will also become the subjects of future discussion.

The invariable practice of the Court of *Berlin*, from the period when *Silesia* was annexed to the Prussian Government, is well known. The King names to the Bishopricks; the Pope accedes to that nomination, and the *Bulls* of investiture are expedited of course. "But here again," say the decriers of the interference of the Crown, "is a *temporal fief* annexed to "the spiritual office." The ordinary tests of allegiance were, in the estimation of *Frederick*, fully adequate, when administered to his secular feudatories; but when he viewed the extent of the Bishoprick of *Breslaw*, its vast population, its numerous clergy, their natural influence upon that population, together with their habitual recourses to the *Roman Curia*; such an in-

tercourse, especially under the circumstances of his reign, engaged as he was, in continual hostilities with the most powerful Catholic States, could not but awaken all the vigilance of such a prince as *Frederick*. We have not found that this assumption of the monarch was resisted by the Supreme Pontiff, or that the Church of *Silesia* was considered, on account of her obedience to his mandates, as having lapsed into *schism*. On the contrary, the relations of the Court of Prussia with *Rome*, were maintained by a resident agent, appointed by the Court of *Berlin*, who received all the usual faculties from the See of Rome, and transmitted them to his government.

Your Lordship will observe that I have hitherto very cursorily touched upon the nominations of the Roman Catholic Prelacy. I may hereafter recur to them more particularly. In the instances adverted to, with the exception of *Corsica*, during the short interval of its annexation to His Majesty's Crown, the *nomina-tions* are *exclusively* vested in the Sovereign. I have never been an advocate for such nominations. The Resolutions of your Catholic Prelacy in 1799, presented an arrangement more consonant to the views of a Protestant Government; but even that I considered to be subject to

rational objection. I was of opinion that the legitimate object of Government might be attained with equal security, without exposing any individual to unnecessary humiliation. Your Lordship is well acquainted with the "Sketch," which I transmitted to Archbishop Troy, and *its fate*, to which I have before adverted. As it had been a subject of so much discussion, and the copy obtained by the Committee, in Dublin, had been published, with the Strictures of Mr. C. Keogh*, I considered it necessary to republish it in the form Your Lordship has seen; and although it has been so often before the Public, I shall also transmit a copy to the printer, with this Address to Your Lordship, because it bears immediate relation to the subject of it. The variation from the Resolutions of your Bishops in 1799, I conceive to be wholly in favour of your Clergy, while every salutary end of government was equally assured. Though this Sketch of Regulations was denounced in your

* Though this Gentleman is very unsparing in his censures of the "Sketch," he has condemned, with equal severity, the Resolutions of the Bishops of 1799; and recommends a popular, instead of a royal, Veto, by vesting a controlling power of assent or negative in the people at large, who might be simultaneously polled in all the parishes. Whether this proposal be more orthodox than that suggested in the "Sketch," must be left to the determination of Mr. C. Keogh's Diocesan.

Committees, with no ordinary heat, as far as we are to collect from the public papers of the day, it had been so unequivocally supported by such respectable authorities of Your Lordship's communion, that I could scarcely have anticipated the reception it met with. I will for the present dismiss it, with an extract from the Notes published with the Substance of what I stated in Parliament on the last Motion of Mr. Grattan: "With respect to Sir J. H.'s deprecatd Proposal (or Sketch of 1809), it is a known fact, that within the course of the last few weeks, it was pointedly read, as far as applied to the appointment of the Bishops, to a venerable Divine of the Roman Catholic Church, who stands equally high in estimation for theological learning and devotion to his communion. His reply was given in the presence of a Catholic Priest, late Superior of the Scotch College in Rome* ; who also, in the presence of Sir

* Mr. Macpherson—who in the course of last summer, finding the climate of Scotland very injurious to his health, obtained permission to return to *Rome*, with a view of ending his days where he had spent the greater part of his life. The object of his journey was falsely represented in many of the public papers to be a sort of commission to the *Pope* to procure his assent to the *Veto*. This misrepresentation had nearly terminated very disastrously to Mr. Macpherson, who was in

“ J. H. attested it to three of the Apostolical
 “ Vicars of England. The reply was, ‘ *that*
 “ ‘ *none but a bigot could object to it.*’ Let it
 “ here be understood, that those Prelates were
 “ wholly unapprised that such a communica-
 “ tion was to be made to them: at the in-
 “ stance of Sir J. H. they committed them-
 “ selves in no opinion on the subject, and they
 “ were requested merely to hear that declara-
 “ tion in silence. Sir J. H. was not desirous to
 “ involve them in new controversy.”

Having accidentally turned to the Corre-
 spondence of a learned Roman Catholic Eccle-
 siastic of this part of the United Kingdom,
 who, for some time past, has manifested great
 opposition to any regulations whatever, I will
 beg to conclude this head of observation with an
 extract from one of his Letters, though, in this
 instance, it is not my intention, at the call of
 Mr. Plowden, to give up to him the name of

consequence apprehended at *Paris*, and examined by the Go-
 vernment, but at length was released. Paragraphs of the same
 nature were industriously circulated in *Ireland*; and it could be
 wished that *no Ecclesiastic in communion with Mr. Macpherson*,
 could take shame to himself for thus wantonly exposing him
 to such imminent danger; for the consequence of such a re-
 port was obvious.

my correspondent ; but he may be assured that he is an author who has also been distinguished as a great controversial writer, on various points, at issue, among the members of his own communion. The date of his letter is *the 8th March 1807* ; soon after he had received from me a copy of the *Tract of 1805*, which has been so often referred to. “ *A second consideration (says my correspondent) which occurred to me, in reading your excellent letter, is, that, in lieu of informing Government of the names of gentlemen who are promoted to Bishopricks, before they are sent up to Rome, it should suffice, that, on any one’s being named, he should be announced to Government three weeks before his consecration ; and if no objection, within that time, should be made to his character, that the ancient Bishops should proceed to his consecration : by which means all possible security will be given to Government against the intrusion of an improper man, and the door will be shut against all political intrigue in the appointment of Bishops.*”

As far as I can collect the object of the writer, from this exposition of his opinions, he admits the operation of the *negative of the Crown after election of a candidate*, but not before. Your Lordship will judge whether the variation made in my deprecated “*Sketch of Re-*

“*gulations*” from the Resolutions of your Prelates in 1799,—or, the suggestion of my reverend correspondent just quoted, is best calculated to secure the object in view, without wounding the feelings of any individual, against whom objections might be assigned.

Your Lordship has probably seen the printed Letter; addressed, by the Rev. J. Wheeler, a clergyman, to Sir John Lawson, Bart. suggesting that, on the demise of a *metropolitan* Prelate, his successor shall be elected by the suffragan Bishops, and *the name of the person so elected, be delivered in to His Majesty's Privy Council, and, if objected to, another shall be elected.*—The exercise of the negative of the Crown in this proposal was to be limited to the election of metropolitan Prelates.

The remaining head of regulation, I consider to be of far greater importance: namely, a regulated control upon the introduction of Pontifical *bulls, briefes, rescripts, &c.* To this object, as I wish to engage the attention of those who have so much interest in the question, I shall beg permission to make it the subject of a separate Address to Your Lordship; and in this view, I cannot conclude in terms more appropriate or impressive, than those made use of by a Noble

Baron * in 1808, in recommending the Petition of the Roman Catholics of Ireland to the consideration of Parliament:—"Whenever this
 "great measure shall be adopted, let it not be
 "one of hasty and inconsiderate concession, on
 "which the pressure of the times shall stamp
 "the character of weakness."—"Consider with
 "what measures it ought to be accompanied;
 "what course of policy is necessary to render
 "its benefits effectual; what safeguards its
 "adoption may require."

I have the honour to be, &c. &c.

J. C. HIPPISELY.

To the Earl of Fingall,
 &c. &c.

* Lord Grenville.

APPENDIX.

THE preceding Letters were sent to the press before it occurred to the writer, that marginal references ought to have been therein given to the several Papers and Extracts now annexed as an Appendix; but little difficulty, however, will be found in adverting to those passages which they are intended to substantiate. As the first paper, entitled, "*A Sketch, &c.*" had produced so much sensation in the *Dublin Committees* (as noticed in the Journals of the month of January 1810), and, soon afterwards, was printed by Mr. C. Keogh, with his animadversions; and having likewise been much commented upon by Mr. Plowden and Mr. Clinch; it may not improperly appear again in the present publication. This "Sketch," as well as the extracts from Bishop *Milner's "Letter to a Parish Priest;"* the extract from Mr. *Wheeler's "Letter to Sir John Lawson,"* and Mr. Clinch's Letters to Sir J. Hippisley, have before appeared among the supplementary papers in Sir J. H.'s former publications on this subject; but, as they have more or less connexion with the assertions made in the present Letters, it is considered unnecessary to apologize for their republication.—The facts admitted by Bishop *Milner,* in his "*Letter to a Parish Priest,*" and which are, indeed, incontrovertible, may be successfully opposed to all that has been advanced by the advocates of *unconditional* and *unprecedented* concession.

No. I.

Sketch of the proposed Regulations concurrent with the Establishment of a State Provision for the Roman Catholic Clergy of Ireland. 1809.*

[The Regulations respecting Papal Rescripts, were reserved as the subject of another arrangement.]

“ IN the event of a State provision for the Roman Catholic Clergy becoming a measure of parliamentary regulation, it

* As the above Sketch had appeared in a Pamphlet published by C. Keogh, in consequence of its having been communicated to a Committee in Dublin, in the month of January 1810,—a measure which certainly was not in Sir J. H.’s contemplation, when he transmitted it *as a confidential paper*, marked *private*, to an eminent Roman Catholic Prelate in Ireland;—the following note was soon after printed in the *Dublin Evening Post*, *British Press*, &c.

“ CATHOLICS OF IRELAND.

“ An article having appeared in the Dublin Evening Post of the 18th inst. and copied in the British Press of the 23d inst. stating, “ *that an English Baronet, a member of the House of Commons, had proposed a Bill making it imperative on the R. C. Bishops, when ever a vacancy occurs, to return to the office of the Secretary of State a list of candidates, from which any objectionable person is to be struck out, and the vacancy to be filled by one of the approved candidates;*” we have authority to state the following facts: That no such Bill had been prepared, or intended to be moved in Parliament by the Member supposed to be alluded to: nor has he

is suggested that regulations, to the following purport, should also receive the sanction of the Legislature.

been apprised that it is in the contemplation of any other Member to bring forward such a Bill.

“The mis-statement has evidently arisen from the following circumstances.—Some time after the discussion of the Petition of the Irish Catholics, in the last Session of Parliament, and the appearance of many publications in Ireland on the subject of, what is termed, “the *Veto*,” or proposed negative on the part of the Crown, the Member alluded to drew up a Sketch of Regulations *founded on those proposed by the four metropolitan and six senior R. C. Bishops of Ireland, in 1799.*

“This Sketch was communicated, *as a matter of mere private suggestion*, to some of his friends of the R. C. Clergy in Ireland. —He had consulted no person whatever in framing it, nor was it ever communicated to any Member of either House of Parliament, till a considerable time after it had been mentioned to those Catholic friends, and then only to a very few, as a sketch, merely speculative, and subject to any amendment.

“It was stated, at the same time, that, in the opinion of the author of the Sketch, “the proposal of the Prelates, in 1799, “seemed to have been made with less circumspection than might “have been expected—as the presentation of a candidate to Government, *after a canonical election* had taken place in his favour “(as proposed in 1799), necessarily placed such person in a painful state of degradation, if rejected:”—that “the freedom “of election was much *better secured by the amended provisions, “than by the mode prescribed in the proposal of the Roman Catholic “Prelates*—which, in fact, afforded no security:”—and further, “as it was expedient that no *undue influence or interference, “direct or indirect, should be assumed or exercised on the part of “the servants of the Crown*, in favour, or to the prejudice of any “individual candidate in such election,”—certain provisions were also sketched, which, it was conceived, would effectually secure the R. C. Clergy from such undue influence.

“Such were the motives assigned; and the Member conceived

The preamble of the Act to state :

That whereas it is expedient, that on the legal admission of the Roman Catholic Clergy to the exercise of the functions of the episcopacy of the Roman communion in Ireland, the most adequate security should be afforded of the eligibility of such persons as are proposed for election to fill the vacant Roman Catholic See: and as it may occur, that His Majesty's Government may entertain a persuasion of the ineligibility of a candidate, arising from the knowledge of facts, which may be unknown to the electors themselves ;—or from other considerations, which may reasonably constitute either a temporary or permanent objection against the election of such candidate on the actual vacancy ;—

And whereas it is also expedient that no undue influence or interference, direct or indirect, should be assumed or exercised by the servants of the Crown, in favour or to the prejudice of any individual candidate in such elections ;—the following provisions are suggested :—

1st. That on every vacancy, by the death or removal of a Prelate exercising the functions of a Bishop of the Roman communion in Ireland, a list shall be prepared, containing the names of not less than four, nor exceeding eight persons, *subjects of His Majesty*; from whom it

he had some claim to be credited for his sincerity by those to whom the Sketch was originally communicated. In every point, the departure from the proposal of the R. C. Bishops was wholly *on the side of the Catholic*.

“ It has been premised that NO BILL has been proposed, or is intended to be moved in Parliament by the Member alluded to, or within his knowledge, by any other Member, with reference to this subject—it is, therefore, unnecessary to add more.”

is proposed to elect a successor to the vacant Roman Catholic See.

[Note.—The mode of preparing such list is not prescribed, but left as a measure of internal regulation, to be governed by the established discipline, as obtains, on such occasions, among the Roman Catholic Clergy in Ireland.]

2d. That the list so prepared shall be transmitted by the President of election (who is usually the Roman Catholic Metropolitan, or senior Bishop of the province) to the Chief Secretary, in order that it may be laid before His Majesty's Government in Ireland; and within one calendar month of the receipt of such list, it shall be returned to the said President of election, accompanied with a certificate of the Chief Secretary, or his representative, to the following purport: viz.

'That whereas the names of A. B. &c. &c. have been
'transmitted to His Majesty's Government, under the sig-
'nature of N. N. President of election of a Roman Catholic
'Prelate, from which list it is proposed to elect a successor
'to X. X. — late of —, agreeably to the provisions of
'the statute in such case made and provided:—and no cause
'being known to exist which can be deemed valid to ex-
'clude either of the persons, whose names stand on the list
'aforesaid, from being elected to supply the said vacancy;
'I do hereby certify the same, and under my hand and seal
'affixed to the said list, in order that the said election may
'proceed without further delay.

'I do also certify and declare, to the best of my know-
'ledge and belief, that no means whatever, direct or indi-
'rect, at the instance of any servant of the Crown, or by
'any other person connected with His Majesty's Govern-
'ment, have been used in order to influence the voice of

‘ any elector, in favour or to the prejudice of any person
 ‘ whose name stands on the said list.

(Signed)

‘ Z. Z.

(L. S.)

‘ Chief Secretary.’

3d. That, in the event of an objection being taken by His Majesty’s Government against any person, whose name stands on such list, the form of certificate shall be varied to the following purport : viz,

(After the words ‘ in such case made and provided, &c.’ the following shall be substituted) :

‘ His Majesty’s Government is of opinion, that it would
 ‘ not be expedient in the present instance, that F. F. (whose
 ‘ name stands in the said list) should be nominated to fill the
 ‘ said vacancy ;—and I do hereby certify the same, &c. &c.’
 (To conclude in the form preceding.)

[Note.—In the original sketch of this head of regulation it was stated, that the cause or ground of objection should be invariably notified by the Chief Secretary of Government to the President of election ; in like manner as it is understood to be the practice of the See of Rome ; but it has been very properly suggested by a Noble Lord*, that cases might occur in which such notification might possibly be attended with injurious consequences.—It seems, therefore, advisable, that the provision in such case should be thus qualified—viz.

‘ That the cause or ground of such objection should be

* Bishop Milner supposes the Noble Lord here alluded to, to have been Lord Grenville ;—it was not ; nor was the Sketch even communicated to His Lordship, till long after it had been seen and *approved* by Roman Catholics of the first order of their Clergy and of the Laity.

‘communicated by the Secretary of Government, if required by the President of election, except in those cases wherein such communication might possibly be attended with injurious consequences to the State.’

This head of provision must therefore necessarily involve a discretion on the part of Government, which cannot be subject to specific regulation, and, at any rate, it may become a matter of ulterior consideration.

Cases may be easily imagined, where the objection to the nomination of a particular individual may be of a temporary nature, and not personal.

4th. A clause to be introduced, containing the form of an oath, to be taken by the President of election, and by him also to be administered to his colleagues, to the purport that they will not give their suffrages in favour of any person but one who is known to be firmly attached to His Majesty, and the civil constitution of the realm.

Also the form of an oath to be administered to the Prelate elect (and in such terms as may be hereafter advised). Which several oaths are to be subscribed with the signatures of the several electors, and transmitted, under the hand and seal of the President of election, to the Chief Secretary of Government, in order to be enrolled.

5th. A clause also to declare, that no person, to whose nomination an objection shall be certified to the President of election by the Chief Secretary of Government, shall be competent to be elected on an actual vacancy. The objection may afterwards be removed, and in that case certified to the Roman Catholic Metropolitan or senior Prelate of the province, as no longer existing.—Electors offending against these provisions, to be subjected to the penalty of

PREMUNIRE *, or ———, and the election to be void to all intents and purposes whatever, as to the effect of conferring any legal authority on the person so elected, to exercise the functions of a Roman Catholic Bishop *within the realm*.

6th. As the Deans of the Roman Catholic communion in Ireland are elected nearly in the same manner as their Bishops, and receive institution alike by Bulls from Rome; it is suggested, that a similar provision should be enacted respecting the election of Deans—so also, with respect to the election of the Warden of Galway, who exercises an episcopal jurisdiction in spirituals.

[Note.—The concluding regulation, proposed by the Roman Catholic Clergy, to Government, in January 1799, states, ‘That the Prelates are satisfied, that the nomination of Parish Priests, with a certificate of their having taken the oath of allegiance, be certified by Government.’

This, *in part*, is consonant to the invariable practice in the United Provinces, where the Arch-priest (for there was no Bishop) presented each Priest, nominated to a parish,

* Objection was taken, by a writer on this subject, and not improperly, to the severity of this penalty;—the *blank* was originally left for its mitigation—and, upon reflection, the *invalidity*, as stated in the latter part of the sentence, would be an adequate security in itself, if the proposed measure were adopted. It must be recollected, nevertheless, that the framers of the penalty were the framers also of our statute of *provisors*—the work of our Roman Catholic ancestors, to preserve the freedom of the national Church against the encroachments of the See of Rome, which, they contended, were “intolerable.” The same penalty attaches upon *chapters*, acting in contravention of the King’s *Congé d’Elire*.

to the civil magistrate for approbation—‘*pour être avoué.*’ Perhaps some regulations with respect to these appointments may well have place on such a parliamentary arrangement. The preceding regulations are principally applicable to the state of the Roman Catholic Clergy in *Ireland*. They must necessarily be varied with respect to the appointment of the Roman Catholic Prelates in Great Britain.]

It is submitted that these provisions will obviate every reasonable objection, that can be raised by the opponents of the measure proposed by the four Catholic metropolitan and six senior Bishops in January 1799,—though many of the objections which have been urged against that measure are untenable, and pressed with an acrimony of discussion, very little suited to the subject and occasion; the proposal, nevertheless, seems to have been made with less circumspection than might have been expected.

The presentation of the candidate to Government, *after a canonical election* had taken place in his favour, as proposed in 1799, necessarily placed such person in a painful state of degradation, if rejected. This is obviated by the regulation now proposed. Those who are apprehensive of the undue influence of Government, will probably consider the freedom of such an election better secured by the measure now proposed, than by the mode prescribed in the proposal of the Roman Catholic Prelates, which, in fact, afforded no such security.

The extended number of candidates is calculated to conceal from Government the individual, on whom, if not objected to, the choice of the electors is most likely to fall.—And the solemn attestation proposed to be officially given by the Chief Secretary, in the name of Government, sup-

plies also a pledge, as high as the nature of the case can possibly afford.

The apprehensions of Mr. Burke, expressed in his Letter to Dr. Hussey, 'of the too frequent intercourse of the 'Roman Catholic Bishops with the Castle,' were founded in a persuasion, as he avows, that it might terminate in an *absolute appointment by Government*. Against such appointments the mode suggested may be considered as providing a more adequate guard, than any other hitherto practised or proposed. If ever a Catholic Prelate was to be considered as a virtual nominee of the Castle, Dr. Hussey himself was assuredly that individual. If he had not been patronized by the Ministers of the Crown in the appointment to Maynooth, there was but little probability that he would have been recommended to Rome, for the Roman Catholic See of Waterford. The electors, apprised of the sentiments of the King's Ministers, doubtless considered his election as a graceful concession to Government. In the event of a repeal of the remaining disqualifying statutes, and the establishment of a State provision for the Roman Catholic clergy, the circumstances of the great mass of Catholic population and the condition of society would be so materially changed, as to render this concert between Government and the Catholic Prelacy, a measure of prudence, if not of necessity. If the Catholic is to be secured against the undue influence of the Minister of the Crown, as affecting the Hierarchy of his communion, *the Protestant is not to be denied the security he claims in favour of the Establishment*. The avowed object of the measure proposed, is to give energy to both: to unite the Catholic with the Protestant, in ascertaining, by the best means, the loyalty and general eligibility of the candidate proposed to be elected to fulfil the duties of a high and sacred office, *possessing*

great influence, as respecting Ireland, on the minds of a vast majority of the people.

The possible objection to be raised by Government in the case of any individual candidate, it has been stated, may be considered as *permanent* or *temporary*. As the late Dr. Hussey's name has been introduced, of him also may it now be said, that if the Ministers of the Crown, who were so friendly to his nomination, or the Catholic electors, who were so much disposed to gratify the King's Ministers in the instance of his election, had been aware of his conduct in the latter part of his mission to the Court of Madrid, in the year 1780 (the circumstances of which are now before the Public *)—it may be assumed that he would not have been advanced to the See of Waterford. Neither is it probable that Dr. Bellew, whatever testimonials he might have borne, and justly been entitled to, for his approved loyalty, would have been selected for the See of Killala at the moment when his brother, under the style of General Bellew, appeared in arms against his country, as he did on the descent of Humbert at Killala, in 1798. In both these cases Government might have had information of the facts, before they could have reached the knowledge of the electors; and these instances may be cited as cases of tenable disqualifying objection, either *permanent* or *temporary*, as applicable to the objects of this arrangement. Indeed, in the instance of Dr. Hussey, the notoriety of his being a confidential chaplain to the Spanish Embassy to London, might in itself have constituted a sufficient ground of objection.

It is assumed that the right of the imperial Parliament to legislate in the spirit of these provisions will not be ques-

* Vide Memoirs of Mr. Cumberland.

tioned. The authority of almost every State, of whatever established communion, Roman Catholic, Greek, Reformed, &c. &c. is to be adduced in support of the principle. Nor can a *concordat* with Rome, *under the circumstances suggested*, be deemed necessary, even on Catholic principles, although the concurrence of the Roman Pontiff was considered by the Catholic Prelates, in 1799, as an indispensable sanction of the measures then proposed. The distinction is obvious. *The presentation of the candidate for the approbation of Government, by the proposal of 1799, was to be subsequent to a canonical election*, when the usual faculties were only wanting from Rome for his canonical institution. —By the mode now suggested, the names of certain persons are to be transmitted to Government merely as candidates for election, unknown possibly to themselves; and the objection, if taken to any, may remain equally unknown:—it will rest much with the discretion of the electors.

The various documents in the Appendix* are not cited as perfect models for imitation. Many of the regulations are known to have been influenced by caprice or resentment, especially in the instances of Austria and Venice: nevertheless many also are the result of a sound and liberal policy, and confirm the principle, that the sovereign power, in every state, of whatever religious communion, has considered itself armed with legitimate authority to legislate in ALL matters of ecclesiastical regulation† within its dominion.

* The original Appendix here referred to, contained the Edicts of the sovereigns of Russia, Spain, &c. and was annexed to a Summary of Correspondence not published.

† The power of the temporal Sovereign is here to be understood, as not interfering with the *power of the KEYS, strictly spiritual*, but in the sense alone that it was ever exercised *in this realm*, in the days of our Roman Catholic ancestors.

No. II.

Extract of a Letter from the Rev. J. WHEELER (a R. C. Clergyman) to Sir J. LAWSON, Bart. published at Richmond in Yorkshire in 1810.

“THE plan which I have to propose, embraces the two which have been already mentioned, yet so qualified and restricted in their operations, as to produce by their combination the happiest results. *It concedes to His Majesty an effectual negative, but that negative it confines exclusively to the Metropolitans.* It also establishes domestic nomination, but that nomination it confines exclusively to the Suffragan Bishops. It is comprised in the eight following articles; four of which relate to the appointment of Metropolitans, and four to the appointment of Suffragan Bishops. With respect to the former, it proposes, in the first place, that, on the demise of a Metropolitan, his successor be elected by the surviving Suffragans:—Secondly, *that the name of the person so elected by a majority of suffrages, be delivered in to His Majesty's Privy Council:*—Thirdly, that whenever the person whose name shall be delivered in to His Majesty's Privy Council, shall be objected to by the same, another shall be elected:—And fourthly, that when the person elected *shall not be objected to by His Majesty's Privy Council*, application shall be made to the Pope in his behalf for canonical institution. With respect to the latter, it also proposes, first, that, on the demise of a Suffragan Bishop, his successor be elected by the Clergy of the vacant diocese:—Secondly, that the name of the person so elected by a majority of suffrages shall be delivered to the Bishops of the province assembled in council, at which the

Metropolitan shall preside :—Thirdly, that when the person whose name shall be delivered in to the Bishops so assembled, shall be rejected by a majority of suffrages, another shall be elected :—And fourthly, that, when the person elected shall be approved of by the Bishops so assembled, by a majority of suffrages, he shall receive from the Metropolitan canonical institution.

“ The sole danger to which the fears of our political friends appear at present to be confined, or which even the bigotry of our political adversaries can with any plausibility allege as the ground of their hostility to Catholic emancipation, is the interference of the Pope in the appointment of Catholic Bishops. Now every possible danger which may be supposed to arise from such interference, the adoption of the scheme which I have presumed to suggest, will effectually remove. For in the appointment of Metropolitans (which is the only case in which the scheme admits of the interposition of the Pope), *it also gives to His Majesty's Privy Council an effectual negative, by the exercise of which every obnoxious person may always be excluded* *.”

* It is scarcely necessary to observe, that, though the *principle* of the King's prerogative is admitted by Mr. Wheeler in the preceding proposal, it does not adequately provide against the appointment of a *Suffragan Bishop*, to whom an objection might be justly opposed in the estimation of His Majesty's Government.

No. III.

Extracts from Bishop MILNER's "Letter to a Parish Priest," &c.

[Though the following Extracts have already been adverted to by Sir J. H. on seconding Mr. Grattan's Motion on the 18th May 1810, they may be considered of useful reference on the present occasion, and are therefore repeated, in the order in which they were before stated.]

" As opinions seem to fleet and change with the hour, it is instructive to look back to the estimation in which this proposal [of the Veto] was held by the accredited agent of the Irish Prelates, a few months after it was renewed on the presumed acquiescence of his constituents, in 1808.

Dr. Milner, V. A. and Bishop of Castlebala, in his Letter to a Parish Priest, dated 1st August 1808, says—

" I proceed to show upon what grounds I rested my opinion, that the Irish Prelates, in the event of a friendly Ministry succeeding to power, and of the emancipation being granted, would not hesitate, under the presumed sanction of His Holiness, to admit of a limited power of exclusion in the executive Government. The first of these grounds is the *actual consent* which they (that is) the four Metropolitans and six of the most ancient Bishops, speaking in the name of the whole Episcopal Body, have actually given to the proposed measure in their solemn deliberations, held at Dublin on the 17th, 18th, and 19th January 1799. In these deliberations, having premised the *justice* and *propriety* of the interference of Government in the appointment of Catholic

“ Bishops, as far as is necessary to ascertain their loyalty, they resolve as follows :”—[The Resolutions of 1799 are then quoted by Bishop M.] “ With respect to these Resolutions, I have to observe—1st, That they are in the hands, I believe, both of Ministry and Opposition, and are considered, by both, as binding upon the Episcopal Body:—2dly, That the exclusive power itself, or the right of the Veto, is not less explicitly offered in them than it is mentioned in my negotiations:—3dly, The necessary checks upon this Veto are not so distinctly expressed in the former as they are in the latter.”—Again,

“ In almost every uncatholic country means are provided, and care is taken, both by those who have a right to present, and by the Holy See herself, that no person *obnoxious to the Sovereign*, shall be raised to the Prelacy within his dominions. The Sovereigns of Russia and Prussia will be found to have exercised a power in this respect, which far exceeds that which the Irish Prelates have offered to His Majesty; and accordingly these Sovereigns have each of them an accredited agent at Rome, chiefly for the exercise of this power.—The King himself enjoys it, *with the consent of Rome*, in the province of *Canada*; the Bishop of *Quebec* not being allowed so much as to choose his coadjutor, *until the latter has been approved by the Civil Governor*.—Fourthly, *Whatever outcries of the Church in danger may have been raised by ignorant or violent Catholics in Ireland*, I challenge any learned divine, or other writer, to show that the allowance to Government of an exclusive power in presenting to Catholic Prelacies, if confined to three times, and accompanied each time with the avowal of a well-grounded suspicion of the candidate’s

“loyalty, contains any thing either unlawful to itself or dangerous to the Church.”

The learned Prelate then proceeds to assign the grounds of his opinion, and afterwards deprecates the outcry, *as if the rights of their Church were about to be surrendered*, and the King’s ecclesiastical supremacy over it, acknowledged.

“But, since this opinion (he continues) is founded in the grossest error, nothing is so easy as to dissipate it, by exposing the true state of facts, in opposition to newspaper falsehoods, and by explaining, in its several parts, the true system of canonical elections.”

Bishop Milner then proceeds thus—“Should the Prelates recede from the Resolutions, which they entered into, at Dublin, in 1799, I hope they will be able to vindicate their proceedings and character, against the numerous and able opponents of each communion, who will not fail to attack them on the subject, and harass them for many years to come. I hope they will provide answers, and such answers as may be defended against men of talents, to the following questions, which will incessantly be put to them, as they have in part been already frequently put to me. ‘The head of the Church has allowed a direct interference and power in the appointment of Bishops throughout the greater part of the Christian Continent, to a man who has apostatized to Mahometanism; and shall it be deemed *unlawful for our Monarch to interfere in this business just so far as it is necessary to ascertain the loyalty of men, who are to possess such great influence over his subjects?* The schismatical Sovereign of Russia, and the heretical King of Prussia, have always been consulted in the choice of Catholic Prelates, for the vacancies within their respective dominions; what then

“ hinders the Sovereign of the United Kingdom from en-
 “ joying the same privilege? He actually possesses it
 “ now in *his American dominions*; is that unlawful in Ire-
 “ land, which is lawful in Canada?” But you have already
 “ declared, after three days solemn deliberation on the sub-
 “ ject, that *such interference of Government in the appoint-*
 “ *ment of Prelates, as may enable it to be satisfied of the*
 “ *loyalty of the person to be appointed, is just, and ought*
 “ *to be agreed to*; and that, therefore, the candidate elected
 “ is to be presented to Government: and that if Government
 “ has any proper objection against him, the President will
 “ convene the Electors, and proceed to the election of an-
 “ other candidate.”—“ Such were your decisions delivered
 “ to Government nine years ago, and which have remained
 “ with it ever since, to be acted upon whenever circum-
 “ stances should permit. Do you break faith with it?—
 “ Or, is that become false and unlawful now, which was
 “ true and lawful then? In a word, will you reject these
 “ resolutions (for the purpose of guiding the alarms of the
 “ nation, and promoting the emancipation), which you
 “ heretofore voluntarily made in order to obtain a provision
 “ for yourselves?

“ Such are the objections in part (says Bishop Milner),
 “ which I am confident will be thus held out against the Pre-
 “ lates on every side, should they retract their decisions. It is
 “ wise, Sir, to anticipate mischief of every kind, in order to
 “ guard against it. If, on the other hand, the Prelates should
 “ abide by what they have solemnly resolved upon, they will
 “ have nothing more to do than what is perfectly within
 “ their sphere, and what is comparatively easy to be done;
 “ namely, to *enlighten their people, and show them how*

"grossly they have been imposed upon, both as to facts and reasoning *."

* Such was Bishop Milner's statement and advice to the Prelates of his communion, in 1808. In 1810, the same learned Prelate published his "*Instructions to the Catholics of the Midland Counties in England, on the State and Dangers of their Religion*,"—which he seems then but to have just discovered; and one of the greatest of which dangers he considers to be that *security*, which is demanded of Roman Catholics, for the "religious Establishment of the State."—Referring to the opinions he had expressed in the preceding Extracts, in conjunction with all the Metropolitans and the six senior Bishops of his communion in Ireland, in 1799, he proceeds to a retractation in these words:—"I hereby publicly retract and condemn my aforesaid '*Letter to a Parish Priest*,' and all my other Letters and Writings, whether printed or manuscript, on the subject of the *Veto*, which I wrote while I was under the aforesaid delusion; that is to say, from the latter part of *May*, till about the conclusion of *November*, 1808."—In the same note, Bishop Milner observes, that, "after all, that unfortunate private, though printed Letter [to a Parish Priest], was a mere piece of *mooting*, intended for the consideration of the Irish Bishops, at their approaching assembly [in September 1808], and withheld, as far as lay in my power, from the inspection of others."—We are not disposed to controvert the Bishop's privilege of dispensing with the obligations apparently resulting from his own opinions, however solemnly or formally stated; but we cannot so readily admit his power of changing the essence of facts. If the regulations and restrictions upon the appointment of the Roman Catholic Bishops, as admitted by Bishop Milner, exist in the several States which he has enumerated—whether of the *Roman Catholic*, *Greek*, or *Reformed Churches*,—they must still exist, independently of the learned Prelate's change of opinion. So, if all the Metropolitans, and the six senior R. C. Prelates of Ireland, in the year 1799, resolve that "such interference, as may enable it to be satisfied of the loyalty of the person appointed [a Bishop], is just, and

“ought to be agreed to ;”—we cannot admit such interference to be *less just and expedient at the present hour*, although Bishop Milner has thought proper to retract his own opinion in favour of it, on his discovery that *security* was demanded of the Catholic in favour of the Establishment in the *Church* as well as the *State* :—a security, in fact, recognised in the oaths taken by Catholics, in all parts of the United Kingdom. So likewise may we consider, that, whether the Roman Catholic Prelates are disposed to accept, or reject, the “*State Provision for their Clergy*,” which, all the Metropolitans and six senior R. C. Bishops declared in 1799, “*ought to be thankfully accepted* ;” it does not follow but that the State ought to be equally satisfied of the loyalty and civil eligibility of the person appointed to a charge, holding so great an influence, in opinion and habit, upon the minds of those within the sphere of its jurisdiction. Having adverted to the opinions held on these points in 1799, we are naturally disposed to put the question suggested by Bishop Milner himself: “Is that become false and unlawful now, which was true and lawful then ?” And to conclude in the words of a Right Honourable Baronet *, himself also a zealous supporter of the Claims of the Catholics,—“the rule of right, the measure of justice, must be the same to-day—yesterday—and for ever.”

* Sir J. Newport's Letter in the Dublin Herald, dated 18 Nov. 1811.

No. IV.

Extract of a Letter from J. B. CLINCH, Esq. Barrister at Law, to Sir J. C. HIPPISELEY, Bart. dated 25th November 1806, relative to the Republication of Sir J. H.'s Tract of "Additional Observations," first printed in 1805, on the general Subject of "the Catholic Claims;" and containing also an Exposition of some of the Regulations which appeared advisable to accompany any Act of Legislation on the Subject of the Claims of the Roman Catholics of Great Britain and Ireland.*

—"I WAS directed by M^t. R^d. Archbishop Troy to inform you particularly, that your argument on the Catholic question has been very generally read, by intelligent and prudent persons, and that the wish of all those who have read it, is, that you may be prevailed upon to publish it, or to allow it to be published, in Ireland. With regard to me, as I was favoured with a copy from Dr. Troy, it is but

* As Mr. Clinch's "*Inquiry into the Consequences of giving a Negative to the Crown, &c.*" was considered as having materially influenced the opinion of the Public, adversely to the measure proposed by the four Archbishops and six senior Roman Catholic Bishops in 1799, and was currently styled "*A Brief for the Bishops,*" and published on the eve of their deliberations in 1808, Sir J. H. addressed the Author, at some length, recalling to his memory the unqualified approbation which he had given to Sir J. H.'s Tract, which, in fact, recognised the authority and utility of those measures which have since been viewed in so different a light.

candid to declare that I am persuaded the most beneficial consequences will arise from the dissemination of that work, not only from the systematic and comprehensive information it affords on many important points, which those of the one persuasion were ignorant of, and those of the other were not able to give, in so unincumbered and satisfactory a way; but from the reconciling nature of such a *voto ragionato*, delivered by a character of trust and weight. It will furnish arguments to those, who, rather from an equitable and generous instinct, than a knowledge of the cause, had befriended our Petition; and will give to those, who may wish to retrace their steps, and conform to the more liberal and provident spirit of the times, an highly decent opportunity to acknowledge themselves converted. But above all, it is but justice, that you should avow yourself as the most competent person to give counsel on any possibly to be devised measure for sealing the domestic peace of the Empire. Unless you stand forward in this character, I am persuaded it will, in such a case, devolve on persons not so fit as you, by learning, or experience, or what, in this case, is a chief point, and a very sore one, by a conscientious and dignified tenderness for the integrity of our religion and sacred customs. And though it were possible to find another gentleman possessing those titles to Protestant and Catholic confidence, in the same degree with you, Sir,—yet the fact is, as far as my acquaintance with the sentiments of our people extends, that you alone possess that confidence entirely with the highest orders of our teaching body, and with all those who are competent to judge on Catholic affairs amongst us. Without meaning to flatter or to offend, I sincerely own that I scarcely expected to find, in any English publication, either the facts, or the reasoning, or the worthiness of sentiment, which I saw in your Speech; espe-

cially as I had begun to apprehend, from the publications of * * * * *, that it was intended to subjugate the real liberties of our Church, and to lay it open to the invasion of lewd and unprincipled ambition, which does unfortunately exist in some individuals * * * *. I thank you, Sir, for rescuing our cause, at once, from ignorant slander, and from domestic treachery. My wish has always been, that the Catholics should find, in Protestants, a better support than in their own communion; because otherwise I saw it difficult to produce universal concord; and because many things, now apparently irreconcilable; would easily be settled, when once the parties became attached to each other. This principle I have perhaps urged too far in conversation, yet I have experienced that it was wished by several of our religion. I hope, Sir, that you will incline to have your argument published, at least, to declare that you will not resent its being done in Ireland."

No. V.

[The following Extracts from the Pastoral Addresses and Remonstrances of Archbishop *Troy* and Bishop *Moylan*, manifest their laudable efforts to disabuse the Roman Catholics of their dioceses, at a period of great public danger; and also denote the sentiments of those Prelates respecting the political as well as ecclesiastical condition of the Roman Catholics of Ireland.]

Extract of a "Pastoral Letter of Dr. TROY, R. C. Archbishop of Dublin, to the Catholics of his Diocese ;" dated Dublin, 25th May 1798.

" COMPARE your present situation with the past. Twenty years ago the exercise of your religion was prohibited by law ; the ministers of it were proscribed ; it was penal to educate Catholic youth at home or abroad ; your property was insecure, at the mercy of an informer ; your industry was restrained by incapacity to realize the fruits of it. At present you are emancipated from those and other penalties and disabilities, under which your forefathers, and some among yourselves, had laboured. You are now at liberty to profess your religion openly, and to practise the duties of it ; the ministers of your religion exercise their several functions under the sanction of law, which authorizes Catholic teachers ; a College for the education of your Clergy has been erected at the recommendation of His Majesty ; it is supported and endowed by parliamentary munificence ; the restraints on your industry are removed, together with the incapacity to realize the fruits of it for the benefit of your posterity. What, let me ask you, has effected this favourable change—this great difference between your past and your present situation ? I answer, *your loyalty, your submission to the constituted authorities, your peaceable demeanour, your patience under long-sufferings.*—It was this exemplary and meritorious conduct, invariably dictated by the principles of your religion, which pleaded your just cause, and determined a gracious King and a wise Parliament, to reward it by restoring you to many benefits of the Constitution.

" You will, perhaps, reply, that *some legal disabilities*

still exclude the most loyal and peaceable Roman Catholic from a seat or vote in Parliament, from the Privy Council, from the higher and confidential, civil and military departments of the State.—I grant it. But is it by rebellion, insurrection, tumult, or seditious clamour, on your part, that these incapacities are to be removed ?”

Extract from the Remonstrance of Dr. F. MOYLAN, R. C. Bishop of Cork, addressed to the Catholics of his Diocese, “and particularly the lower Orders.” Dated Cork, 16th April 1798.

“ But whilst I exhort you, my brethren, patiently to endure whatever portion of evil, in the general distribution of Providence, may fall to your share ; I would have you not unmindful of the blessings you enjoy, and the favours you have received : *certain privileges excepted, you possess the advantages of the Constitution.* The penal laws, under which our fathers groaned, have been almost all done away. You have the comfort of exercising your holy religion without control ; and to the benignity of Government, and to the liberality of Parliament, we are indebted for the establishment and endowment of a Roman Catholic College, on an extensive plan, which will afford a liberal education to our youth, and a supply of Clergy to our Church, when the present generation have finished their career : these are blessings—these are favours, that should excite and call forth our gratitude ; and this gratitude we should evince by a steady attachment to the Constitution, and unshaken loyalty to our gracious Sovereign,—*a Sovereign, who has done more for the Roman Catholic body, and, indeed, for this kingdom in general, than any, or all of his predecessors.* I know, beloved brethren, that

efforts have been made by evil-minded men, to weaken your attachment to the Constitution of your country, and your allegiance to the best of Kings, by circulating impious and seditious writings, and encouraging you to outrage and riot; but, in the name of God, why should you be the *dupes* and *tools* of these wicked incendiaries?"

The following short extract from the *Declaration* of the *Roman Catholics of Ireland*, in the year 1791, when they were exposed to the pressure of a great part of the penal laws, since repealed, is highly creditable to their conduct and feelings, at that period, when they asserted, " That it " was not for the Irish Catholics, like public foes, to take " advantage from public calamity: they ought to advance " their claims at a time favourable to discussion, when the " condition of the empire is flourishing and tranquil. They " might seem culpable to their country, if, affecting to " dissemble what it is unmanly not to feel, they reserved " their pretensions in *ambuscade* to augment the perplexi- " ties of some critical emergency."

No. VI.

PETITION OF THE CLERGY OF THE
DIOCESE OF EXETER.

[A short Extract of the following Petition having been before given, it is considered advisable to print the whole in this Appendix.]

Petition to the Right Hon. the Lords Spiritual and Temporal, in the Parliament of the United Kingdom of Great Britain and Ireland assembled.

THE HUMBLE PETITION OF THE CLERGY OF THE
DIOCESE OF EXETER

SHEWETH,

THAT it is with extreme reluctance that your Petitioners address Your Lordships upon the subject of the repeal of those disqualifying laws which now affect His Majesty's Roman Catholic subjects.

That this reluctance so to address Your Lordships, arises not only from that perfect confidence which your Petitioners place in the wisdom and justice of the Legislature, but from a conviction, that it ill becomes the Ministers of Religion to interfere, beyond the necessity of the case, in matters of state, affecting the interests of the whole community.

That your Petitioners having perceived, that, in other Dioceses, some Members of the Clergy have taken measures for conveying to Your Lordships a declaration of

their sentiments upon this momentous subject, feel themselves called upon to lay before Your Lordships, the expression of their devotion to that pure and holy form of worship of which they are the ministers, and their fervent prayer that that Protestant Establishment, under which so much civil and religious liberty has been enjoyed by the inhabitants of these realms) *may be protected by such safeguards, as shall, under all the circumstances of this Empire, and of the world, appear to Your Lordships best calculated to secure its permanency, and place it on a firm and immoveable basis.*

That it appears to your Petitioners, that the hasty, vague, and presumptuous declaration, that no safeguards, other than exclusion from civil offices, can be devised, is a direct impeachment, as well of the deliberative faculties of Parliament, as of the honour and loyalty of the Roman Catholic body.

That, considering the present anxious state of mind of a large portion of the inhabitants of this Empire, upon this most important question; considering the great length of time which that anxiety has continued, and being unable to look forward to any period of its cessation, without the benignant interposition of Parliament; your Petitioners cannot view without apprehension of imminent danger to the tranquillity, and to the permanent existence of the Established Church itself, any determination on the part of the Legislature, to close the doors against any further alleviation of the situation of His Majesty's Roman Catholic subjects; and the continuance in this Empire of such a body of dissatisfaction and uneasiness, as such a determination must inevitably create.

That your Petitioners are fortified in these sentiments, by

the anomalous and inconsistent state of the laws, now operating upon the Roman Catholics.

That your Petitioners regard the Protestant Established Church and the State as inseparably connected, and that any act of the supreme Legislature, which shall invigorate and consolidate the general interests of the Empire, is in its nature, and of necessity, calculated to strengthen and confirm the security of the Established Church.

Your Petitioners, therefore, humbly pray, that when the condition of His Majesty's Roman Catholic subjects shall again come under the consideration of Your Lordships, Your Lordships will, in your wisdom, adopt such measures as may bring this question to a permanent and satisfactory settlement; *fencing the Established Protestant Church by such specific securities as to Your Lordships' wisdom may appear effectual, and procuring for that Church all that additional strength which it cannot fail to acquire by the consolidation of the general interests, and by the removal of those existing pretexts of discontent and division which eventually threaten the security of the Establishment.*

No. VII.

*Extracts from Lord Chief Justice COKE's Vth Report,
De Jure Regis ecclesiastico.*

It would have been very desirable to have annexed to this compilation the whole of Caudrey's case, entitled *De Jure Regis ecclesiastico*, 5th Report, 33 Eliz. and also Sir E. Coke's

Preface to his 6th Report.—In the former, he traces the ecclesiastical rights of the Crown to the most ancient sources ; and in the latter, he replies to certain questions ; and among them, “ Whether the ancient laws of England did permit any appeal to Rome on causes *spiritual or ecclesiastical* ? ” It is contended by Sir E. Coke, who produces his authorities from the earliest times—that the *Normans* borrowed most of their laws and customs from *England*—and particularly the *ecclesiastical law*. He instances letters patents from King *Kenulph*, who reigned A. D. 755, “ with the “ advice and consent of his Bishops and Senators of his “ people,” granted to the Monastery of *Abingdon*, and to *Ruckny*, the abbot, exempting them from *all episcopal jurisdiction* ; which privilege was afterwards confirmed by King *Edwin*, A. D. 955.—In the reign of King *Edward the Confessor*, the King is declared “ the Vicar of the “ highest King, ordained to this end, that he should rule “ the kingdom and people of the land, and above all things, “ the Holy Church ; and that he shall defend the same, “ &c.” and this (says Sir E. C.) shall suffice for many, before the Conquest.—In the reign of King *William I.* the King, of himself, made appropriation of churches, with cure of souls, to ecclesiastical persons ; wherefore it followeth that he had ecclesiastical jurisdiction.—In the reign of King *Henry I.* Sir E. C. recites the grant to the Abbey of *Reading*, in these words,—“ We do ordain, as well in “ regard of *ecclesiastical*, as of royal power, &c. &c.”—In the reign of *Henry III.* Sir E. C. enumerates various prohibitions of the proceedings in ecclesiastical courts, setting up the ecclesiastical law of the land against that of the See of Rome, and records the memorable exclamation “ of the “ Earls and Barons, with one voice—We will not change the “ laws of England, which hitherto have been used and ap-

“proved.”—In the reign of King *Edward I.* Sir E. C. reports, that if a subject brought in a *bill of excommunication* against another subject of the realm, and published it, it was, by *the ancient common law of England*, adjudged *treason against the King, his crown and dignity*: the said King presented his clerk to a benefice, which was refused by the Archbishop, who pleaded that the Bishop of Rome had *provided* to the said church; for which contempt the lands of his Bishoprick were seized into the King’s hands, and lost during his life—*which judgment was before any statute was made in that case*; and hence it is inferred that it was the common law of the land, and that the Archbishop would have been in worse case, had he been judged by the sages of the law, instead of the King.—The Statute of Carlisle, 25 *Edw. I.* declares that the holy Church of England was founded in a state of Prelacy within the realm, by the King and his progenitors, reciting the usurpations of Rome, and providing against them.—In the reign of King *Edward II.* upon the petitions of the Clergy (*Stat. Artic. Cleri*), “the King, under his great seal, granted to them to have jurisdiction in those cases, &c.”—but this was complained of as Sir E. C. remarks, as a grievance by the people.—In the reign of King *Edward III.* it is recognised that the Bishopricks were founded by the King’s progenitors, and therefore the advowsons of them all, belong to the King—that the King may exempt any ecclesiastical person from the jurisdiction of the ordinary, and *may also grant unto him episcopal jurisdiction*, as thus it appeareth the King had done of ancient time to the Archdeacon of Richmond. The King presented to a benefice; his presentee was disturbed by one that had obtained Bulls from Rome; for which offence he was condemned to perpetual imprisonment, &c.—Excommunications of the Pope of no force within England—No cause

within the realm, though it be spiritual, ought to be determined in the Court of Rome—The Bishops of England are the immediate officers and ministers of the King's courts. "*Reges sacro oleo uncti, sunt spiritualis jurisdictionis capaces.*" 2 Rol. Rep. 451.—It was enacted, by the whole Parliament, 25 *Edw.* III. that as well they that obtained provisions from *Rome*, as they that put them in execution, should be out of the King's protection. (Many other acts of this reign are cited by the learned Judge in confirmation of his report.)—In the reign of King *Richard* II. decisions of the courts of law are quoted against the provisions of the *See of Rome*.—The statute of 16 *Richard* II. c. 5. cited, declaring, "that the things attempted by the Bishop of *Rome* be clearly against the King's crown, and his regalty, used and approved in the time of all his royal progenitors."—"That if any purchase or pursue, in the Court of *Rome*, or elsewhere, any such translations (of Bishops), processes, and sentences of excommunication, bulls, instruments, or any other things which toucheth the King, their Lord, &c. they should be put out of the King's protection, their lands and goods forfeited, their bodies attached, &c. &c."—In the reign of King *Henry* IV. the Judges affirm, that the statutes which restrain the *Pope's* provisions, were made in affirmance of the common law, and so, adds Sir E. C. are all statutes which restrain ecclesiastical jurisdiction. Excommunication, made by the *Pope*, the same being certified into any court, ought not to be allowed. The Bishops are, by the common law, the immediate officers and ministers of justice, to the King's Courts, in causes ecclesiastical. The Commons did grievously complain to the King, 6 *H.* IV. "*of the horrible mischiefs and damnable customs, which then were introduct, of new, in the COURT*

"OF ROME," respecting provisions, compositions with the Pope's chamber, first fruits, &c. to the great impoverishing the Archbishops, Bishops, &c. No person, religious or secular, by colour of any BULLS, shall be discharged of tithes, &c. on pain of a *præmunire*.—In the reign of King Henry V. similar restrictions were enacted by statute, 3 H.V. c. 4.—In the reign of King Henry VI. excommunications, by the Pope, were again declared to be of no force within the realm. "The Pope writ letters in derogation of the King and his royalty, and Humphrey, Duke of Gloucester, put them into the fire."—In the reign of King Edward IV. the Judges resolved that the Pope had no power to grant *sanctuary* within this realm; and it was declared a high offence for one *spiritual* person to sue another *spiritual* person in the Court of Rome, by which it appeared "how grievous an offence it was against the King, his Crown and dignity, if any subject, though both *spiritual*, did seek for justice out of the realm, as though either there wanted jurisdiction, or justice was not executed in the ecclesiastical courts, within the same." In this reign a *Legate*, from the Pope, came to Calais to have come into England, but the King and his Council would not suffer him to come within England, until he had taken an oath, that he should attempt nothing against the King or his Crown: and the like was done to another of the Pope's *Legates*, in this reign.—In the reign of King Richard III. it was resolved, by the Judges, that a judgment or excommunication in the Court of Rome, should not bind or prejudice any man, within England, at common law.—In the reign of King Henry VII. sentences of excommunication by the Pope, declared null; it was also declared, that "*Rex est persona mixta*," because

he hath both *ecclesiastical* and *temporal* jurisdiction, and that the King may dispense with the incapacities created by the *ecclesiastical* law, respecting pluralities of benefices, and the ordination of illegitimate persons as *Priests*.

It is not proposed, in this Summary, to accompany the learned Chief Justice farther in his researches, but to confine it to those reigns *anterior to the Reformation*, when the religion of the See of Rome was; with an exception to the Greek Church, the religion of the whole Christian world, and in which reigns, it is contended, from the high authorities cited by Sir E. Coke, that all the restrictions upon the *usurpations of the See of Rome*, were in conformity to the ancient common law of the realm, and that the Pope had been "permitted to do certain things within this realm, by usurpation, and not of right." The very words and texts of the laws, resolutions, judgments, and acts of Parliament, had been particularly quoted without *argument* or *amplification*. "*Miserable is his case,*" concludes the learned Reporter, "*and worthy of pity, that hath been persuaded before he was instructed, and, now, will refuse to be instructed, because he will not be persuaded.*"

It may be proper to subjoin, to the preceding Summary, an extract from Sir Edward Coke's Sixth Report, in which the following question is resolved in the affirmative, as clearly substantiated by the *laws existing before the Conquest*, viz. "*Whether the ancient laws of England did permit any appeal to Rome, in causes spiritual or ecclesiastical?*"

"By an Act of Parliament holden in the tenth year of

King *Henry II.* which was A. D. 1164, it is enacted as followeth: “ As concerning appellations, if any should arise
 “ from the Archdeacon, they must proceed to the Bishop;
 “ from the Bishop to the Archbishop: and if the Arch-
 “ bishop do fail in doing justice, it must lastly come to the
 “ King, that, by his precept, the controversy may be
 “ ended in the Archbishop’s Court, so that there ought not
 “ to be any proceeding farther without assent of the King.”
 And that this, amongst many other, might not taste of innovation, the Record saith, “ This recognition, or record,
 “ was made of a certain part of the customs and liberties
 “ of the predecessors of the King, to wit, of King *Henry*,
 “ his grandfather, and of other Kings, which ought to be ob-
 “ served in the kingdom, and held of all for the dissensions
 “ and discords often arising between the Clergy and our
 “ Lord the King’s Justices, and the Peers of the realm:
 “ and all the Archbishops, Bishops, Abbots, Priors,
 “ Clergy, with the Earls, Barons, and all the Nobles, &c.
 “ have sworn, and assuredly promised in the word of truth,
 “ with one consent, to keep and observe the said recogni-
 “ tion toward the King and his heirs in good sooth without
 “ evil meaning for ever.” But herein I persuaded myself,
 that every man that hath advisedly and with an equal mind
 read *Caudrey’s Case*, published in my last Report, would
 therewith in this point have been satisfied. And I must
 freely acknowledge, that I never expected that any divine
 would have attempted to have made such an answer to that
 case, as lately hath been published [by Father Parsons], for
 two causes: first, for that it (exceeding all bounds of truth
 and charity) is full of maledictions and calumniations, no-
 thing pertinent to the state of the question. Secondly, for
 that (as I published in my Epistle to the Reader) I dealt

only with the municipal laws of England as a subject proper to my profession. This only will I say in this cause, to him, and of him, *Ille didicit maledicere, et ego maledicta contemnere*. The cause that I cannot reply, is, for that I have only reported in the text, and as it were the very voice of the ancient laws of this realm, proved and approved in all successions of ages, as well by universal consent in Parliaments, as by the judgments and resolutions of the reverend Judges and sages of the common laws, in their judicial proceeding, which they gave upon their oaths and consciences. I quoted the year, the leaf, the chapter, and other certain references for the ready finding thereof. And I could have added more, if the Report of that case (being very long as it is) should not have been drawn to an extraordinary prolixity. But when I looked into the book, ever expecting some answer to the matter, in the end I found the Author utterly ignorant (but exceeding bold, as commonly those qualities concur) in the laws of the realm, the only subject of the matter in hand, but could not find in all the book any authority out of the books of the common laws of this realm, Acts of Parliament, or any legal and judicial records, quoted or cited by him for the maintenance of any of his opinions or conceits. Whereupon (as in justice I ought) I had judgment given for me, upon a *Nihil dicit*, and therefore cannot make any replication. For his divinity and histories cited by him, only published in the said book, *ad faciendum populum* (but how truly and sincerely his own conscience, knowing, he thought it best for the salving of his credit, to conceal his name), I will not answer; for then I should follow him in his error, and depart from the state of the question, whose only subject is the municipal laws of this realm."

SUPPLEMENTARY NOTE.

As charges have been brought, by Mr. Plowden and others, against the consistency of Sir J. H.'s opinions and conduct respecting the "Claims of the Roman Catholics," it is deemed not unopportune to conclude this *Appendix* with the following *Extracts*; which, indeed, had been before collected and printed, during the last general election, for the satisfaction of those of his constituents, who had been taught to believe, that any support given to the *Claims of the Catholics*, must necessarily be injurious to the *Protestant Establishment*.

EXTRACTS.

ON the 14th of May 1805, on Mr. Fox's Motion for a Committee, Sir J. Hippisley stated, in Parliament, that His Majesty had ratified the Catholic Constitution of Corsica, as he had before ratified that of Canada, and also had given Commissions, under his Royal Signature, to *Roman Catholic Clergymen, to act as Chaplains of Catholic Regiments, raised in Great Britain and Ireland*. In a few days afterwards Sir J. H. published a Tract of "Addi-
tional Observations," in the form of a continuation of his Speech, in which he made use of the following expressions—"God forbid that any Member of Parliament, in
"assenting to the prayer of the Petition, *under such modi-*
"*fications* as may be deemed advisable, should be accused
"of a wish to propose to His Majesty a departure from
"the solemn obligation by which he has bound himself

“to maintain the Protestant reformed Religion, established by Law, and to govern the People according to the Statutes in Parliament agreed on, and the Laws and Constitutions of the Realm.” [Coronation Oath.]

“Were we to go into a Committee, I should think the occasion favourable for adducing many heads of regulation, which I conceive to be usefully connected with the concession of the objects of the Petition—so necessary, in my own opinion, that I should not think myself justified in voting in favour of that concession, if unaccompanied with provisions of a similar tendency; and under the influence of the same opinion, they were submitted, by myself, to His Majesty’s Ministers, while the great measure of the *Union* was pending.”

On the 25th of May 1808, on Mr. Grattan’s Motion for a Committee, Sir J. H. again stated the *regulations and restrictions*, which, in his opinion, were indispensable, and “which might tend (he added) to quiet the apprehensions of the most scrupulous, whenever the *See of Rome* should be considered as acting under a hostile influence, and become an object of justifiable suspicion:” concluding, that “he voted for going into a Committee, in which the important subject might be more adequately considered.”

On the 18th of May 1810, on a similar Motion of Mr. Grattan, Sir J. H. proceeded to state the grounds of his insuperable objection to any further concessions, unless they were accompanied with all those *regulations and restrictions* which he had before urged, concluding a speech of much detail, with these words: “To the *Catholic* and *Protestant Bigot*, I feel equally indisposed—I would recommend to many Catholics to desist from their flippant

“ and ill-directed attacks, and not outstrip their adversaries
 “ in the race of calumny; they have to combat the *honest*
 “ *prejudices of a great people, the early impressions of*
 “ *youth, and the force of inconsiderate zeal, as well as*
 “ *the timidity and defect of information in a great por-*
 “ *tion of their fellow-subjects.* It was a melancholy truth,
 “ that the best informed on other subjects, philosophers
 “ and statesmen, were often most ignorant of this, which
 “ vitally affected the interests, the feelings, and the honour,
 “ of millions of the people, and the *security of the Em-*
 “ *pire itself.* ‘ Our Constitution (says the great Mr.
 “ Burke) is not made for great—general—proscriptive
 “ exclusions; sooner or later it will destroy them, or they
 “ will destroy the Constitution.’ In the choice of mea-
 “ sures (Sir J. H. observed), he only wished to see those
 “ adopted that could *ensure the great ends of conciliation,*
 “ *by the least exceptionable means—to secure the rights*
 “ *of conscience for every description of our fellow-subjects,*
 “ and GUARD, RELIGIOUSLY, THE BULWARKS OF OUR
 “ CONSTITUTION, FOR THE PROSPERITY OF ALL.”—
 He therefore voted for going into a Committee of consi-
 deration.

On the 10th of June 1811, on a third similar Motion
 of Mr. Grattan, Sir J. H. repeated the same arguments,
 and urged the same restrictions.—He urged also the prac-
 tice of moderation by the Catholics—and pointed out the
 inconsistency of some of their Prelates.—He suggested,
 also, that “ a Select Committee should be formed for the
 “ consideration of the subject; consisting of the King’s
 “ law officers, civilians, and common lawyers of emi-
 “ nence, as well as other Members, most competent to
 “ the examination of such a subject; and that in the House

“of Lords, the *Prelates of the Establishment* ought to
 “take a material part in such an investigation. The pro-
 “duction of documents, and the examinations, in such a
 “Committee, might be followed by resolutions of fact,
 “directing the attention of the Public to the material
 “points, and constituting the most *satisfactory authority*
 “on which a Bill might hereafter be framed commensu-
 “rate to the real exigency and justice of the case.—
 “The adoption, qualification, or even the rejection of the
 “Claims of the Petitioners would thus derive a sanction
 “not to be found in the loose discussions of successive
 “Parliamentary Debates. It should seem (said Sir J. H.),
 “that this expedient was too rational to be questioned by
 “any, but those who were determined to *resist inquiry in*
 “*any shape whatever. No Member of the House was*
 “*more zealously devoted to the Constitution, both in*
 “*Church and State, than himself.* He wished, neverthe-
 “less, to give a free currency to the investigation—and to
 “see a great fabric of national strength, raised on the ex-
 “tinction of antiquated prejudice.—Union, he was per-
 “suaded, was within our reach :—uniformity was a hope-
 “less pursuit, and, indeed, unattainable.”

On the 24th of April 1812, on a fourth similar Motion
 of Mr. Grattan, Sir J. H. pressed again the adoption
 and report of a Committee, “for the satisfaction (as he
 “observed) of the public at large, on a question which
 “involved a striking and material departure from a system
 “which had been the received policy of ages. The mere
 “act of legislation, however great the parliamentary ma-
 “jorities with which it might be carried, would still be
 “comparatively unsubstantial till *hailed by the according*
 “*public voice, enfranchised from its prejudices :—the hu-*

“man mind is not so readily liberalized, as civil franchises
“can be extended by legislation *.”

On the 22d of June 1812, on the Motion of the Right Honourable George Canning, late one of His Majesty's Principal Secretaries of State, Sir J. H. again expressed himself as strongly in favour of “regulations which should
“be interposed as *barriers against the encroachments of*
“*the See of Rome*; and there were not wanting instances,
“he observed, of the existence of such encroachments.
“A prudent Legislature would not dispense with the en-
“actment of such provisions as might eventually meet the
“evil whenever it might present itself—however small the
“probability might be of its recurrence.—He had been
“uniform, he said, in his declarations *from the first mo-*
“*ment when he took part in the discussion of the question,*
“*and he would never assent to the measure, unaccompa-*
“*nied by those securities, which had been sanctioned by*
“*the wisdom and experience of ages.*”

* In a note annexed to the Substance of Sir J. H.'s Speech on the Motion of Mr. Grattan, on the 24th of April, the facts stated were referred to, with the following observation:—“If
“such be the opinions of eminent ecclesiastics of the See of
“Rome, jealous of the independence of *their* Church, shall the
“Members of the Establishment wholly shut their eyes against
“the possibility of encroachment?—And shall they, who seek
“the protection of their Catholic fellow-subjects, equally with
“their own, be calumniated, because they are not disposed to
“surrender their reason to the voice of clamour?—If the repre-
“sentative body of the nation—the guardians of its interests and
“security—should be so little alive to their duties, as to turn
“aside from wholesome legislation, in yielding to those clamours
“—very little permanent good could be augured from conces-
“sions exacted by such ill-grounded apprehensions.”

THE early day, so unexpectedly fixed, for Mr. Grattan's Motion, having prevented the completion of the Writer's design, previous to the Debate; so it has likewise produced the necessity of sending up to the Press the papers in the *Appendix*, without a due revision, or correction of any part of the proofs.—In the preceding Letters will be observed much deficiency and incorrectness of punctuation, and other errors, not noticed in the table of *Errata*, but none will be found affecting the substance of the *facts* stated.—The Letter of Bishop Milner (Apostolic Vicar) “to a Parish Priest,” having been mislaid at the moment it was necessary to refer to it, for the purpose of this publication, the Extracts, No. III. in the Appendix, are copied, with their Introduction, from the “*Substance of Sir J. H.'s Speech on Mr. Grattan's Motion in 1810.*”—The summary of the first part of *Caudrey's* case, from Lord Chief Justice Coke's Fifth Report, will probably hold out an inducement to refer to the whole of that most valuable and instructive document, as well as to the *Preface* to his *Sixth Report*.

A THIRD LETTER to the EARL of FINGALL, with SUPPLEMENTARY DOCUMENTS, will speedily be published.

The SUBSTANCE of Sir J. C. HIPPISELY'S SPEECHES on the MOTIONS of Mr. GRATTAN and Mr. CANNING in the last Sessions of Parliament, may be had of the Publisher,

THE END.